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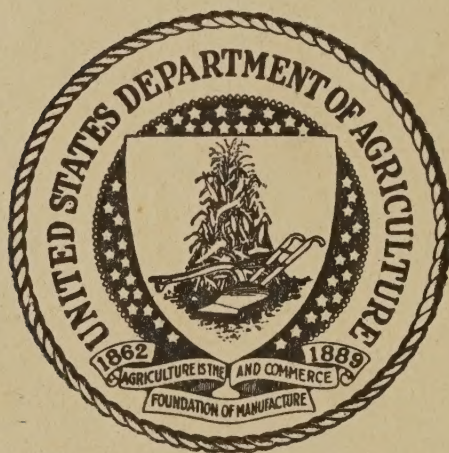








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OF THE DEPARTMENT, AND CURRENT  
APPROPRIATION PROVISIONS.

Compiled under the direction of  
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by

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Office of the Solicitor









## Volume 2

### TITLE 23—HIGHWAYS

#### FEDERAL HIGHWAY ACT

**§ 2. Definitions.**—When used in this chapter, unless the context indicates otherwise—

\* \* \* \* \*

The term “forest roads” means roads wholly or partly within or adjacent to and serving the national forests.

\* \* \* \* \*

(Nov. 9, 1921, ch. 119, § 2, 42 Stat. 212; June 19, 1922, ch. 227, § 4, par. 3, 42 Stat. 660; June 16, 1936, ch. 582, § 1 (c), 49 Stat. 1519; June 8, 1938, ch. 328, § 1 (e), 52 Stat. 634; July 13, 1943, ch. 236, § 1, 57 Stat. 560.)

**§ 23. Forest roads and trails; appropriations; manner of expenditure.**—(a) Fifty per centum, but not to exceed \$3,000,000 for any one fiscal year, of the appropriation made or that may hereafter be made for the survey, construction, reconstruction, and maintenance of forest roads and trails shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the several States, Alaska, and Puerto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

The balance of such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be prorated and apportioned by the Secretary of Agriculture for expenditures in the several States, Alaska, and Puerto Rico, according to the area and value of the land owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate.



(b) Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

(c) The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

(d) Construction work on forest roads or trails estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than \$5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

Any appropriation that may be made for expenditure under the provisions of this section may be expended for the purpose authorized in this section and for the payment of wages, salaries, and other expenses for help employed in connection with such work. (Nov. 9, 1921, ch. 119, § 23, 42 Stat. 218; May 17, 1932, ch. 190, 47 Stat. 158.)

**§ 23a. Same; manner of expenditure of appropriation; approval of projects.**—One-third, but not less than \$3,000,000, of the appropriation made for any fiscal year for carrying out the provisions of section 23 of this title may after June 16, 1936 be expended for the purposes enumerated in the first paragraph of clause (a) of said section 23: *Provided*, That on or before January 1 of each year the Secretary of Agriculture shall apportion and prorate among the several States, Alaska, and Puerto Rico, as provided in said section 23, the sum authorized for the fiscal year immediately following and the Secretary of Agriculture is authorized to approve projects under any such apportionment, and to incur obligations or enter into contracts under his apportionment and prorating of the authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof. (June 16, 1936, ch. 582, § 2, 49 Stat. 1520.)

**§ 23b. Same; administration of appropriation.**—Appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary of Agriculture and the Federal Works Administrator. (Sept. 6, 1940, ch. 715, § 6, 54 Stat. 869.)

## TITLE 24—HOSPITALS, ASYLUMS, AND CEMETERIES

**§ 34. Hospitalization of persons outside continental limits of United States; persons entitled; availability of other facilities; rate of charges; disposition of payments.**—In addition to those persons, including the dependents of naval and Marine Corps personnel, now authorized to receive hospitalization at naval hos-



pitals, hospitalization and dispensary service may be provided at naval hospitals and dispensaries outside of the continental limits of the United States and in Alaska, to the officers and employees of any department or agency of the Federal Government, to employees of a contractor with the United States or his subcontractor, to the dependents of such persons, and in emergencies to such other persons as the Secretary of the Navy may prescribe *Provided*, That such hospitalization and dispensary service to other than the dependents of naval and Marine Corps personnel shall be permitted only where facilities are not otherwise available in reasonably accessible and appropriate non-Federal hospitals. The charge for hospitalization or dispensary service for persons other than dependents of naval and Marine Corps personnel as specified in this section shall be at such rates as the President shall from time to time prescribe, and shall be deposited as provided in section 32 of this title. (May 10, 1943, ch. 95, § 4, 57 Stat. 81.)

**§ 35. Limitation of medical, surgical or hospital services.**—Hospitalization of the dependents of naval and Marine Corps personnel and of the persons outside the naval service mentioned in section 34 of this title shall be furnished only for acute medical and surgical conditions, exclusive of nervous, mental, or contagious diseases or those requiring domiciliary care. Dental treatment shall be administered only as an adjunct to in-patient hospital care and shall not include dental prosthesis or orthodontiat. (May 10, 1943, ch. 95, § 5, 57 Stat. 81.)

## TITLE 25—INDIANS

**§ 87. Interest of agents and employees in Indian contracts.**—No agent or employee of the United States Government or of any of the departments thereof, while in the service of the Government, shall have any interest, directly or indirectly, contingent or absolute, near or remote, in any contract made, or under negotiation, with the Government or with the Indians, for the purchase or transportation or delivery of goods or supplies for the Indians, or for the removal of the Indians; nor shall any such agent or employee collude with any person who may attempt to obtain any such contract for the purpose of enabling such person to obtain the same. The violation of any of the provisions of this section shall be a misdemeanor, and shall be punished by a fine of not less than \$500 nor more than \$5,000, and by removal from office; and, in addition thereto, the court shall, in its discretion, have the power to punish by imprisonment of not more than six months. (June 22, 1874, ch. 389, § 10, 18 Stat. 177.)

**§ 87a. Same; purchases from Indians by employees.**—Anything contained in sections 68 and 87 of this title to the contrary notwithstanding, employees of the United States Government, including those in the Indian Service, may, under such rules and regulations as the Secretary of the Interior shall prescribe, be permitted to purchase from any Indian or Indian organization



any arts and crafts or any other product, service, or commodity, produced, rendered, owned, controlled, or furnished by any Indian or Indian organization: *Provided, however,* That no employee of the United States Government shall be permitted to make any such purchases for the purpose of engaging directly or indirectly in the commercial selling, reselling, trading, or bartering of said purchases by the said employee. (June 19, 1939, ch. 210, 53 Stat. 840.)

§ 337. Allotments in national forests.—The Secretary of the Interior is authorized, in his discretion, to make allotments within the national forests in conformity with the general allotment laws, to any Indian occupying, living on, or having improvements on land included within any such national forests who is not entitled to an allotment on any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof. All applications for allotments under the provisions of this section shall be submitted to the Secretary of Agriculture who shall determine whether the lands applied for are more valuable for agricultural or grazing purposes than for the timber found thereon; and if it be found that the lands applied for are more valuable for agricultural or grazing purposes, then the Secretary of the Interior shall cause allotment to be made as herein provided. (June 25, 1910, ch. 431, § 31, 36 Stat. 863.)

## TITLE 26—INTERNAL REVENUE CODE

### INCOME TAX

#### PUBLIC SALARY TAX ACT

The Public Salary Tax Act, April 12, 1939, ch. 59, title II, §§ 201-211, 53 Stat. 575-577, as amended June 25, 1940, 11:45 a. m., E. S. T., ch. 419, title IV, § 401, 54 Stat. 527, and Oct. 21, 1942, ch. 619, title V, § 509 (b), 56 Stat. 967, in addition to amendments of paragraph (a) of this section, contained provisions of a temporary nature as follows:

"SEC. 201. Any amount of income tax (including interest, additions to tax, and additional amounts) for any taxable year beginning prior to January 1, 1938, to the extent attributable to compensation for personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing—

"(a) shall not be assessed, and no proceeding in court for the collection thereof shall be begun or prosecuted (unless pursuant to an assessment made prior to January 1, 1939);

"(b) if assessed after December 31, 1938, the assessment shall be abated, and any amount collected in pursuance of such assessment shall be credited or refunded in the same manner as in the case of an income tax erroneously collected; and

"(c) shall, if collected on or before the date of the enactment of this Act, be credited or refunded in the same manner as in the case of an income tax erroneously collected, in the following cases—

"(1) Where a claim for refund of such amount was filed before January 19, 1939, and was not disallowed on or before the date of the enactment of this Act;

"(2) Where such claim was so filed but has been disallowed and the time for beginning suit with respect thereto has not expired on the date of the enactment of this act;

"(3) Where a suit for the recovery of such amount is pending on the date of the enactment of this Act; and



"(4) Where a petition to the Board of Tax Appeals has been filed with respect to such amount and the Board's decision has not become final before the date of the enactment of this act.

"SEC. 202. In the case of any taxable year beginning after December 31, 1937, and before January 1, 1939, compensation for personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing, shall not be included in the gross income of any individual under Title I of the Revenue Act of 1938 (May 28, 1938, ch. 289, 52 Stat. 452) and shall be exempt from taxation under such title, if such individual either—

"(a) did not include in his return for a taxable year beginning after December 31, 1936, and before January 1, 1938, any amount as compensation for personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing; or

"(b) did include any such amount in such return, but is entitled under section 201 of this Act to have the tax attributable thereto credited or refunded.

"SEC. 203. (a) Any amount of income tax (including interest, additions to tax, and additional amounts) collected on, before, or after the date of the enactment of this act for any taxable year beginning prior to January 1, 1939, to the extent attributable to compensation for personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing, shall be credited or refunded in the same manner as in the case of an income tax erroneously collected, if claim for refund with respect thereto is filed after January 18, 1939, and the Commissioner of Internal Revenue, under regulations prescribed by him with the approval of the Secretary of the Treasury, finds that disallowance of such claim would result in the application of the doctrines in the cases of *Helvering against Therrell* (303 U. S. 218) (58 S. Ct. 539, 82 L. Ed. 758, reversing 88 F. 2d 869), *Helvering against Gerhardt* (304 U. S. 405) (58 S. Ct. 969, 82 L. Ed. 1427 reversing 92 F. 2d 999. Rehearing denied 59 S. Ct. 57, 305 U. S. 669, 83 L. Ed. 434), and *Graves et al. against New York ex rel. O'Keefe*, decided March 27, 1939 (306 U. S. 466, 59 S. Ct. 595, 83 L. Ed. 927, 120 A. L. R. 1466, reversing 278 N. Y. 691, 16 N. E. 2d 404, affirming 253 App. Div. 91, 1 N. Y. S. 2d 195), extending the classes of officers and employees subject to Federal taxation.

"(b) Any amount of income tax (including interest, additions to tax, and additional amounts) for taxable years beginning after December 31, 1938, to the extent attributable to compensation for personal service rendered in a taxable year beginning prior to January 1, 1939 (other than compensation received as a pension, retirement pay, or similar allowance), as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing—

"(1) shall not be assessed; and

"(2) if assessed, the assessment shall be abated and any amount collected in pursuance of such assessment shall be credited or refunded in the same manner as in the case of an income tax erroneously collected,

if the Commissioner of Internal Revenue, under regulations prescribed by him with the approval of the Secretary of the Treasury, finds that assessment of such tax, or disallowance of a claim for credit or refund, except for Title I of this Act (affecting sections 22 and 116 of Title 26, and section 84a of Title 5), would result in the application of the doctrines in the cases of *Helvering against Therrell* (303 U. S. 218) (58 S. Ct. 539, 82 L. Ed. 758, reversing 88 F. 2d 869), *Helvering against Gerhardt* (304 U. S. 405) (58 S. Ct. 969, 82 L. Ed. 1427, reversing 92 F. 2d 999. Rehearing denied 59 S. Ct. 57, 305 U. S. 669, 83 L. Ed. 434), and *Graves et al. against New York ex rel. O'Keefe* (306 U. S. 466), (59 S. Ct. 595, 83 L. Ed. 927, 120 A. L. R. 1466, reversing 278 N. Y. 691, 16 N. E. 2d 404, affirming 253 App. Div. 91, 1 N. Y. S. 2d 195), extending the classes of officers and employees subject to Federal taxation."

"SEC. 204. Neither section 201 nor section 203 shall apply in any case where the claim for refund, or the institution of the suit, or the filing of the petition with the Board, was, at the time filed or begun, barred by the statute of limitations properly applicable thereto.

"SEC. 205. Compensation shall not be considered as compensation within the meaning of sections 201, 202, and 203 to the extent that it is paid directly



or indirectly by the United States or any agency or instrumentality thereof. If the amount of the deficiency in income tax for any taxable year beginning before January 1, 1939, attributable to compensation paid indirectly by the United States, or any agency or instrumentality thereof, for personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any of the foregoing, is paid on or before March 15, 1941, then with respect to failure to pay such amount or make return of such compensation: (a) No criminal penalty shall apply; and (b) the additions to tax provided in sections 291 and 293 of the Internal Revenue Code shall not apply." (As amended June 25, 1940, 11:45 a. m., E. S. T., ch. 419, title IV, § 401, 54 Stat. 527.)

"SEC. 206. The terms used in this Act shall have the same meaning as when used in Chapter I of the Internal Revenue Code. (Section 1 et seq. of this title.)

"SEC. 207. No collection of any tax (including interest, additions to tax, and penalties) imposed by any State, Territory, possession, or local taxing authority on the compensation received before January 1, 1939, for personal service as an officer or employee of the United States or any agency or instrumentality thereof which is exempt from Federal income taxation and, if a corporate agency or instrumentality, is one (a) a majority of the stock of which is owned by or on behalf of the United States, or (b) the power to appoint or select a majority of the board of directors of which is exercisable by or on behalf of the United States, shall be made after the date of the enactment of this act.

"SEC. 208. This title shall not apply with respect to any officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing, after the Secretary of the Treasury has determined and proclaimed that it is the policy of such State to collect from any individual any tax, interest, additions to tax, or penalties, on account of compensation received by such individual prior to January 1, 1939, for personal service as an officer or employee of the United States or any agency or instrumentality thereof. In making such determination the Secretary of the Treasury shall disregard the taxation of officers and employees of any corporate agency or instrumentality which is not exempt from Federal income taxation, or which if so exempt is one (a) a majority of the stock of which is not owned by or on behalf of the United States and (b) the power to appoint or select a majority of the board of directors of which is not exercisable by or on behalf of the United States.

"SEC. 209. In the case of the judges of the Supreme Court, and of the inferior courts of the United States created under article III of the Constitution, who took office on or before June 6, 1932, the compensation received as such shall not be subject to income tax under the Revenue Act of 1938 (May 28, 1938, ch. 289, 52 Stat. 452) or any prior revenue act.

"SEC. 210. For the purposes of this act, the term 'officer or employee' includes a member of a legislative body and a judge or officer of a court.

"SEC. 211. If either title of this act, or the application thereof to any person or circumstances, is held invalid, the other title of the act shall not be affected thereby."

**§ 101. Exemptions from tax on corporations.**—The following organizations shall be exempt from taxation under this chapter—

(1) Labor, agricultural, or horticultural organizations;

\* \* \* \* \*

(12) Farmers', fruit growers', or like associations organized and operated on a cooperative basis (a) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, on the basis of either the quantity or the value of the products furnished by them, or (b) for the purpose of purchasing supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses. Exemption shall not be denied any such association because it has capital stock, if the dividend rate



of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 per centum per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than non-voting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends) is owned by producers who market their products or purchase their supplies and equipment through the association; nor shall exemption be denied any such association because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose. Such an association may market the products of nonmembers in an amount the value of which does not exceed the value of the products marketed for members, and may purchase supplies and equipment for nonmembers in an amount the value of which does not exceed the value of the supplies and equipment purchased for members, provided the value of the purchases made for persons who are neither members nor producers does not exceed 15 per centum of the value of all its purchases. Business done for the United States or any of its agencies shall be disregarded in determining the right to exemption under this paragraph;

\* \* \* \* \*

(15) Corporations organized under Act of Congress, if such corporations are instrumentalities of the United States and if, under such Act, as amended and supplemented, such corporations are exempt from Federal income taxes;

\* \* \* \* \*

(53 Stat. 40; June 29, 1939, 10 p. m. E. S. T., ch. 247, title II, § 217, 53 Stat. 876; Oct. 21, 1942, 4:30 p. m. E. W. T., ch. 619, title I, §§ 137 (a), 165 (a), 56 Stat. 836, 872.)

### § 113. Adjusted basis for determining gain or loss.—

\* \* \* \* \*

(b) Adjusted basis.

(1) General rule

\* \* \* \* \*

(G) in the case of property pledged to the Commodity Credit Corporation, to the extent of the amount received as a loan from the Commodity Credit Corporation and treated by the taxpayer as income for the year in which received pursuant to section 123 of this chapter, and to the extent of any deficiency on such loan with respect to which the taxpayer has been relieved from liability.

\* \* \* \* \*

(53 Stat. 40; June 29, 1939, 10 p. m., E. S. T., ch. 247, title II, §§ 213 (d), 214 (a), 215 (b), 223 (b), 53 Stat. 871, 872, 879.)

§ 123. Commodity credit loans.—(a) Amounts received as loans from the Commodity Credit Corporation shall, at the election of the taxpayer, be considered as income and shall be included in gross income for the taxable year in which received.

(b) If a taxpayer exercises the election provided for in subsection (a) for any taxable year beginning after December 31, 1938,



then the method of computing income so adopted shall be adhered to with respect to all subsequent taxable years unless with the approval of the Commissioner a change to a different method is authorized.

(c) The election provided for in subsection (a) with respect to taxable years beginning after December 31, 1938, and before January 1, 1942, may be exercised by the taxpayer at, or at any time prior to, the time prescribed for the filing of the taxpayer's return for the taxable year of the taxpayer beginning in 1942, or if there is more than one taxable year of the taxpayer beginning in 1942, for the last taxable year so beginning, provided the records of the taxpayer are sufficient to permit an accurate computation of income for such years, and the taxpayer consents in writing to the assessment, within such period as may be agreed upon, of any deficiency for such years, even though the statutory period for the assessment of any such deficiency had expired prior to the filing of such consent. (Added June 29, 1939, 10 p. m. E. S. T., ch. 247, title II, § 223 (a), 53 Stat. 579; Oct. 21, 1942, 4:30 p. m. E. W. T., ch. 619, title I, § 154 (a), 56 Stat. 848.)

#### EFFECTIVE DATE; RETROACTIVE OPERATION

Section was made applicable to taxable years beginning after December 31, 1938, by § 223 (c) of act June 29, 1939, cited to text.

Act June 29, 1939, 10 p. m. E. S. T., ch. 247, title II, § 223 (d) and (e), 53 Stat. 879, provided as follows:

"(d) RETROACTIVE APPLICATION.—The provisions of subsection (a) [this section] shall be retroactively applied in computing income for any taxable year subject to the provisions of the Revenue Act of 1934, the Revenue Act of 1936, or the Revenue Act of 1938, or any of such Acts as amended, if—

"(1) The taxpayer elects in writing (in accordance with regulations prescribed by the Commissioner with the approval of the secretary) within one year from the date of the enactment of this Act to treat such loans as income for such year, and

"(2) The records of the taxpayer are sufficient to permit an accurate computation of income for such year, and

"(3) The taxpayer consents in writing to the assessment, within such period as may be agreed upon, of any deficiency for such year, even though the statutory period for the assessment of any such deficiency had expired prior to the filing of such consent.

"Any tax overpaid for any such year shall be credited or refunded, subject to the statutory period of limitation properly applicable thereto."

"(e) ADJUSTMENT OF BASIS FOR PRIOR YEARS.—In computing income for any taxable year subject to the provisions of the Revenue Act of 1934, the Revenue Act of 1936, or the Revenue Act of 1938, or any of such Acts as amended, the basis, for determining gain or loss from the sale or other disposition of any property, pledged to the Commodity Credit Corporation as security on a loan obtained therefrom, shall be adjusted for the amount of such loan to the extent it was considered as income and included in gross income for the year in which received, and for the amount of any deficiency on such loan with respect to which the taxpayer was relieved from liability."

**§ 124. Amortization deduction (a) General rule.**—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any emergency facility (as defined in subsection (e)), based on a period of sixty months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining



in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction above provided with respect to any month shall, except to the extent provided in subsection (g) of this section, be in lieu of the deduction with respect to such facility for such month provided by section 23 (l), relating to exhaustion, wear and tear, and obsolescence. The sixty-month period shall begin as to any emergency facility, at the election of the taxpayer, with the month following the month in which the facility was completed or acquired, or with the succeeding taxable year.

\* \* \* \* \*

**(f) Determination of adjusted basis of emergency facility.**— In determining, for the purposes of subsection (a) or subsection (h), the adjusted basis of an emergency facility—

(1) There shall be included only so much of the amount otherwise constituting such adjusted basis as is properly attributable to such construction, reconstruction, erection, installation, or acquisition after December 31, 1939, as either the Secretary of War or the Secretary of the Navy has certified as necessary in the interest of national defense during the emergency period, which certification shall be under such regulations as may be prescribed from time to time by the Secretary of War and the Secretary of the Navy, with the approval of the President.

(2) After the completion or acquisition of any emergency facility with respect to which a certificate under paragraph (1) has been made, any expenditure (attributable to such facility and to the period after such completion or acquisition) which does not represent construction, reconstruction, erection, installation, or acquisition included in such certificate, but with respect to which a separate certificate is made under paragraph (1), shall not be applied in adjustment of the basis of such facility and shall be considered as an expenditure with respect to a new emergency facility; and

(3) The certificate provided for in paragraph (1) shall have no effect unless an application therefor is filed before the expiration of six months after the beginning of such construction, reconstruction, erection, or installation or the date of such acquisition, or before December 1, 1941, whichever is later, except that—

(A) in the case of an emergency facility completed or acquired by a corporation after December 31, 1939, and before June 11, 1940, such certificate shall have no effect unless an application therefor is filed before the expiration of six months after the date of the enactment of the Revenue Act of 1942,<sup>1</sup> and

(B) in the case of an emergency facility completed or acquired after December 31, 1939, by a person other than a corporation, such certificate shall have no effect unless an application therefor is filed before the expiration of six months after the beginning of such construction, reconstruction, erection, or installation or the date of such acquisition, or before the expiration of six months after the date of the enactment of the Revenue Act of 1942,<sup>1</sup> whichever is later.



In no event and notwithstanding any of the other provisions of this section, no amortization deduction shall be allowed in respect of any emergency facility for any taxable year—

(C) unless a certificate in respect thereof under paragraph (1) shall have been made (i) prior to the filing of the taxpayer's return for such taxable year, or prior to the making of an election pursuant to subsection (d) (3) or subsection (d) (6) of this section to take the amortization deduction, or (ii) before December 1, 1941, whichever is later; or

(D) in the case of an emergency facility completed or acquired by a corporation after December 31, 1939, and before June 11, 1940, unless a certificate in respect thereof under paragraph (1) shall have been made prior to the expiration of twelve months after the date of enactment of the Revenue Act of 1942;<sup>1</sup> or

(E) in the case of an emergency facility completed or acquired after December 31, 1939, and before January 1, 1943, by a person other than a corporation, unless a certificate in respect thereof under paragraph (1) shall have been made (i) prior to the expiration of nine months after the last date upon which an application for such certificate may be filed, or (ii) prior to the expiration of twelve months after the date of enactment of the Revenue Act of 1942,<sup>1</sup> whichever is later.

\* \* \* \* \*

(Added Oct. 8, 1940, 11 p. m. E. S. T., ch. 757, title III, § 302, 54 Stat. 999, as amended Jan. 31, 1941, ch. 3, §§ 1-3, 55 Stat. 4; Oct. 30, 1941, ch. 464, §§ 1-3, 55 Stat. 757; Feb. 6, 1942, ch. 41, 56 Stat. 50; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 155 (a-f), 56 Stat. 849-851.)

#### § 143. Withholding of tax at source.

\* \* \* \* \*

(b) **Nonresident aliens.**—All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the United States, having the control, receipt, custody, disposal, or payment of interest (except interest on deposits with persons carrying on the banking business paid to persons not engaged in business in the United States), dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income (but only to the extent that any of the above items constitutes gross income from sources within the United States), of any nonresident alien individual, or of any partnership not engaged in trade or business within the United States and composed in whole or in part of nonresident aliens, shall (except in the cases provided for in subsection (a) of this section and except as otherwise provided in regulations prescribed by the Commissioner under section 215) deduct and withhold from such annual or periodical gains, profits, and income a tax equal to 30 per centum thereof, except that such rate shall be reduced, in the case of a nonresident alien individual a resident of any country in

<sup>1</sup> Revenue act of 1942 was enacted Oct. 21, 1942, 4:30 p. m. E. W. T.



North, Central, or South America, or in the West Indies, or of Newfoundland, to such rate (not less than 5 per centum) as may be provided by treaty with such country: *Provided*, That no such deduction or withholding shall be required in the case of dividends paid by a foreign corporation unless (1) such corporation is engaged in trade or business within the United States, and (2) more than 85 per centum of the gross income of such corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of section 119: *Provided further*, That the Commissioner may authorize such tax to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding agent: *Provided further*, That the deduction and withholding in the case of interest on bonds, mortgages, or deeds of trust or other similar obligations of a corporation, within the provisions of subsection (a) (1) of this section were it not for the fact that the maturity date of such obligations has been extended on or after January 1, 1934, and the liability assumed by the debtor exceeds  $27\frac{1}{2}$  per centum of the interest, shall not exceed the rate of  $27\frac{1}{2}$  per centum per annum. Under regulations prescribed by the Commissioner, with the approval of the Secretary, there may be exempted from such deductions and withholding the compensation for personal services of nonresident alien individuals who enter and leave the United States at frequent intervals. In respect of the compensation for services performed by nonresident alien individuals brought into the United States under the authority of the War Manpower Commission for temporary employment essential to the war effort and subject to withholding under this subsection, the deduction and withholding shall be at the rate of 10 per centum, and there shall be no deduction or withholding under section 1622.

(e) **Tax paid by recipient.**—If any tax required under this section to be deducted and withheld is paid by the recipient of the income, it shall not be re-collected from the withholding agent; nor in cases in which the tax is so paid shall any penalty be imposed upon or collected from the recipient of the income or the withholding agent for failure to return or pay the same, unless such failure was fraudulent and for the purpose of evading payment.

\* \* \* \* \*

(58 Stat. 60; June 25, 1940, 11:45 a. m. E. S. T., ch. 419, title I, § 5 (a), title II, § 202, 54 Stat. 519, 520; Sept. 20, 1941, 12:15 p. m. E. S. T., ch. 412, §§ 107 (a), (b), 109 (a), 55 Stat. 695; Oct. 21, 1942, 4:30 p. m. E. W. T., ch. 619, title I, §§ 108 (a) (b), 160 (a) (1, 2), 56 Stat. 808, 860, 861; Feb. 25, 1944, 12:49 p. m. E. W. T., ch. 63, title I, § 132 (a), 58 Stat. 50; May 29, 1944, 7 p. m. E. W. T., ch. 210, part I, § 10 (d), 58 Stat. 239.)

§ 147. **Information at source**—(a) **Payments of \$500 or more.**—All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, and employers, making payment to another person, of interest, rent, sala-



ries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in section 148 (a) or 149), of \$500 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Commissioner, under such regulations and in such form and manner and to such extent as may be prescribed by him with the approval of the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

**(b) Returns regardless of amount of payment.**—Such returns may be required, regardless of amounts, (1) in the case of payments of interest upon bonds, mortgages, deeds of trust, or other similar obligations of corporations, (2) in the case of payments of interest upon obligations of the United States or any agency or instrumentality thereof, and (3) in the case of collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from foreign corporations by persons undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

**(c) Recipient to furnish name and address.**—When necessary to make effective the provisions of this section the name and address of the recipient of income shall be furnished upon demand of the person paying the income. (53 Stat. 64; June 25, 1940, 11:45 a. m. E. S. T., ch. 419, title I, § 7 (c), 54 Stat. 520; Sept. 20, 1941, 12:15 p. m. E. S. T., ch. 412, title I, §§ 112 (c), 116 (a), (b), 55 Stat. 697, 698; Oct. 21, 1942, 4:30 p. m. E. W. T., ch. 619, title I, § 131 (c) (3), 56 Stat. 828.)

#### COLLECTION OF INCOME TAX AT SOURCE ON WAGES

§ 1621. **Definitions.**—As used in this subchapter—

**(a) Wages.**—The term “wages” means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include remuneration paid—

(1) for services performed as a member of the military or naval forces of the United States, other than pensions and retired pay includible in gross income under Chapter 1, or

(2) for agricultural labor (as defined in section 1426 (h)), or

(3) for domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, or

(4) for casual labor not in the course of the employer's trade or business, or

(5) for services by a citizen or resident of the United States for a foreign government or for the government of the Commonwealth of the Philippines, or



(6) for services performed by a nonresident alien individual, other than a resident of a contiguous country who enters and leaves the United States at frequent intervals, or

(7) for such services, performed by a non-resident alien individual who is a resident of a contiguous country and who enters and leaves the United States at frequent intervals, as may be designated by regulations prescribed by the Commissioner with the approval of the Secretary, or

(8) for services for an employer performed by a citizen or resident of the United States while outside the United States (as defined in section 3797 (a) (9)) if the major part of the services for such employer during the calendar year is to be performed outside the United States, or

(9) for services performed as a minister of the gospel.

For the purpose of paragraph (8) services performed on or in connection with an American vessel (as defined in section 1426 (g) under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, or on or in connection with any vessel as an employee of the United States employed through the War Shipping Administration, shall not constitute services performed outside the United States.

**(b) Payroll period.**—The term “payroll period” means a period for which a payment of wages is ordinarily made to the employee by his employer, and the term “miscellaneous payroll period” means a payroll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannual, or annual payroll period.

**(c) Employee.**—The term “employee” includes an officer, employee, or elected official of the United States, a State, Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term “employee” also includes an officer of a corporation.

**(d) Employer.**—The term “employer” means the person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that—

(1) if the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term “employer” (except for the purposes of subsection (a)) means the person having control of the payment of such wages; and

(2) in the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term “employer” (except for the purposes of subsection (a) (1) means such person.

**(e) Number of withholding exemptions claimed.**—The term “number of withholding exemptions claimed” means the number of withholding exemptions claimed in a withholding exemption certificate in effect under section 1622 (h), except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero. (Added June 9, 1943, 7



p. m. E. W. T., ch. 120, § 2 (a), 57 Stat. 126; amended May 29, 1944, 7 p. m. E. W. T., ch. 210, part II, § 22 (a), 58 Stat. 247.)

#### AMENDMENTS

1944—Subsecs. (e)-(k) struck out by act May 29, 1944, cited to text, and a new subsec. (e) inserted in lieu thereof.

#### EFFECTIVE DATE

Amendment of section by act May 29, 1944, § 22 (a), cited to text, was made applicable only with respect to wages paid on or after Jan. 1, 1945, by section 21 thereof.

**§ 1622. Income tax collected at source.—(a) Requirement of withholding.**—Every employer making payment of wages shall deduct and withhold upon such wages a tax equal to the sum of the following:

(1) 2.7 per centum of the amount by which the wages exceed the amount of one withholding exemption, the amount of such exemption for various payroll periods being shown in the table in subsection (b) (1) of this section;

(2) 18 per centum of whichever of the following is the lesser:

(A) the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table in subsection (b) (1); or

(B) the amount shown in the last column in the table in subsection (b) (1);

(3) 19.8 per centum of the amount by which the wages exceed the sum of:

(A) the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table in subsection (b) (1); plus

(B) the amount shown in the last column in the table in subsection (b) (1).

**(b) (1) The table referred to in subsection (a) is as follows:**

*Percentage Method Withholding Table*

Payroll period	Amount of one withholding exemption	Maximum amount subject to 18 per centum rate
Weekly.....	\$11.00	\$44.00
Biweekly.....	22.00	88.00
Semimonthly.....	23.00	92.00
Monthly.....	46.00	184.00
Quarterly.....	139.00	556.00
Semiannual.....	278.00	1,112.00
Annual.....	556.00	2,224.00
Daily or miscellaneous (per day of such period).....	1.50	6.00

\* \* \* \* \*

**(c) Wage bracket withholding.**—(1) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax determined in accordance with the following tables, which shall be in lieu of the tax required to be deducted and withheld under subsection (a):



*If the payroll period with respect to an employee is weekly*

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
The amount of tax to be withheld shall be—												
		18% of wages	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$0	\$11	\$2.10	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$11	\$12	2.30	.20	0	0	0	0	0	0	0	0	0
\$12	\$13	2.50	.40	0	0	0	0	0	0	0	0	0
\$13	\$14	2.70	.60	.10	.10	.10	.10	.10	.10	.10	.10	.10
\$14	\$15	2.90	.80	.10	.10	.10	.10	.10	.10	.10	.10	.10
\$15	\$16	3.10	1.00	.10	.10	.10	.10	.10	.10	.10	.10	.10
\$16	\$17	3.30	1.20	.20	.20	.20	.20	.20	.20	.20	.20	.20
\$17	\$18	3.50	1.40	.20	.20	.20	.20	.20	.20	.20	.20	.20
\$18	\$19	3.70	1.60	.20	.20	.20	.20	.20	.20	.20	.20	.20
\$19	\$20	3.90	1.80	.20	.20	.20	.20	.20	.20	.20	.20	.20
\$20	\$21	4.00	2.00	.30	.30	.30	.30	.30	.30	.30	.30	.30
\$21	\$22	4.20	2.20	.30	.30	.30	.30	.30	.30	.30	.30	.30
\$22	\$23	4.40	2.40	.50	.30	.30	.30	.30	.30	.30	.30	.30
\$23	\$24	4.60	2.70	.70	.30	.30	.30	.30	.30	.30	.30	.30
\$24	\$25	4.80	2.90	.90	.40	.40	.40	.40	.40	.40	.40	.40
\$25	\$26	5.00	3.10	1.10	.40	.40	.40	.40	.40	.40	.40	.40
\$26	\$27	5.20	3.30	1.40	.40	.40	.40	.40	.40	.40	.40	.40
\$27	\$28	5.40	3.50	1.60	.50	.50	.50	.50	.50	.50	.50	.50
\$28	\$29	5.60	3.70	1.80	.50	.50	.50	.50	.50	.50	.50	.50
\$29	\$30	5.80	3.90	2.00	.50	.50	.50	.50	.50	.50	.50	.50
\$30	\$31	6.00	4.10	2.20	.50	.50	.50	.50	.50	.50	.50	.50
\$31	\$32	6.20	4.30	2.40	.60	.60	.60	.60	.60	.60	.60	.60
\$32	\$33	6.40	4.50	2.60	.70	.60	.60	.60	.60	.60	.60	.60
\$33	\$34	6.60	4.70	2.80	.90	.60	.60	.60	.60	.60	.60	.60
\$34	\$35	6.90	4.90	3.00	1.10	.60	.60	.60	.60	.60	.60	.60
\$35	\$36	7.10	5.10	3.20	1.30	.70	.70	.70	.70	.70	.70	.70
\$36	\$37	7.30	5.30	3.40	1.50	.70	.70	.70	.70	.70	.70	.70
\$37	\$38	7.50	5.60	3.60	1.70	.70	.70	.70	.70	.70	.70	.70
\$38	\$39	7.70	5.80	3.80	1.90	.80	.80	.80	.80	.80	.80	.80
\$39	\$40	7.90	6.00	4.00	2.10	.80	.80	.80	.80	.80	.80	.80
\$40	\$41	8.10	6.20	4.20	2.30	.80	.80	.80	.80	.80	.80	.80
\$41	\$42	8.30	6.40	4.50	2.50	.80	.80	.80	.80	.80	.80	.80
\$42	\$43	8.50	6.60	4.70	2.70	.90	.90	.90	.90	.90	.90	.90
\$43	\$44	8.70	6.80	4.90	2.90	1.00	.90	.90	.90	.90	.90	.90
\$44	\$45	9.00	7.00	5.10	3.20	1.20	.90	.90	.90	.90	.90	.90
\$45	\$46	9.20	7.20	5.30	3.40	1.40	.90	.90	.90	.90	.90	.90
\$46	\$47	9.40	7.40	5.50	3.60	1.60	1.00	1.00	1.00	1.00	1.00	1.00
\$47	\$48	9.60	7.60	5.70	3.80	1.90	1.00	1.00	1.00	1.00	1.00	1.00
\$48	\$49	9.90	7.80	5.90	4.00	2.10	1.00	1.00	1.00	1.00	1.00	1.00
\$49	\$50	10.10	8.00	6.10	4.20	2.30	1.00	1.00	1.00	1.00	1.00	1.00
\$50	\$51	10.30	8.20	6.30	4.40	2.50	1.10	1.10	1.10	1.10	1.10	1.10
\$51	\$52	10.50	8.40	6.50	4.60	2.70	1.10	1.10	1.10	1.10	1.10	1.10
\$52	\$53	10.80	8.70	6.70	4.80	2.90	1.10	1.10	1.10	1.10	1.10	1.10
\$53	\$54	11.00	8.90	6.90	5.00	3.10	1.20	1.20	1.20	1.20	1.20	1.20
\$54	\$55	11.20	9.10	7.10	5.20	3.30	1.40	1.20	1.20	1.20	1.20	1.20
\$55	\$56	11.40	9.30	7.40	5.40	3.50	1.60	1.20	1.20	1.20	1.20	1.20
\$56	\$57	11.70	9.50	7.60	5.60	3.70	1.80	1.20	1.20	1.20	1.20	1.20
\$57	\$58	11.90	9.80	7.80	5.80	3.90	2.00	1.30	1.30	1.30	1.30	1.30
\$58	\$59	12.10	10.00	8.00	6.10	4.10	2.20	1.30	1.30	1.30	1.30	1.30
\$59	\$60	12.30	10.20	8.20	6.30	4.30	2.40	1.30	1.30	1.30	1.30	1.30
\$60	\$62	12.70	10.60	8.50	6.60	4.60	2.70	1.40	1.40	1.40	1.40	1.40
\$62	\$64	13.10	11.00	8.90	7.00	5.10	3.10	1.40	1.40	1.40	1.40	1.40
\$64	\$66	13.60	11.50	9.30	7.40	5.50	3.60	1.60	1.50	1.50	1.50	1.50
\$66	\$68	14.00	11.90	9.80	7.80	5.90	4.00	2.00	1.50	1.50	1.50	1.50
\$68	\$70	14.50	12.40	10.20	8.20	6.30	4.40	2.50	1.60	1.60	1.60	1.60
\$70	\$72	14.90	12.80	10.70	8.60	6.70	4.80	2.90	1.60	1.60	1.60	1.60
\$72	\$74	15.40	13.30	11.10	9.10	7.10	5.20	3.30	1.70	1.70	1.70	1.70
\$74	\$76	15.80	13.70	11.60	9.50	7.50	5.60	3.70	1.80	1.70	1.70	1.70
\$76	\$78	16.30	14.20	12.00	9.90	8.00	6.00	4.10	2.20	1.80	1.80	1.80
\$78	\$80	16.70	14.60	12.50	10.40	8.40	6.40	4.50	2.60	1.80	1.80	1.80
\$80	\$82	17.20	15.10	12.90	10.80	8.80	6.90	4.90	3.00	1.90	1.90	1.90
\$82	\$84	17.60	15.50	13.40	11.30	9.20	7.30	5.40	3.40	2.00	2.00	2.00
\$84	\$86	18.10	16.00	13.80	11.70	9.60	7.70	5.80	3.80	2.00	2.00	2.00
\$86	\$88	18.50	16.40	14.30	12.20	10.10	8.10	6.20	4.30	2.30	2.10	2.10
\$88	\$90	19.00	16.90	14.70	12.60	10.50	8.50	6.60	4.70	2.80	2.10	2.10
\$90	\$92	19.40	17.30	15.20	13.10	11.00	8.90	7.00	5.10	3.20	2.20	2.20
\$92	\$94	19.90	17.80	15.60	13.50	11.40	9.30	7.40	5.50	3.66	2.20	2.20
\$94	\$96	20.30	18.20	16.10	14.00	11.90	9.80	7.80	5.90	4.00	2.30	2.30
\$96	\$98	20.80	18.70	16.50	14.40	12.30	10.20	8.30	6.30	4.40	2.50	2.30
\$98	\$100	21.20	19.10	17.00	14.90	12.80	10.60	8.70	6.70	4.80	2.90	2.40
\$100	\$105	22.00	19.90	17.80	15.70	13.50	11.40	9.40	7.50	5.50	3.60	2.50
\$105	\$110	23.10	21.00	18.90	16.80	14.70	12.60	10.40	8.50	6.60	4.70	2.70
\$110	\$115	24.30	22.10	20.00	17.90	15.80	13.70	11.60	9.50	7.60	5.70	3.80
\$115	\$120	25.40	23.30	21.10	19.00	16.90	14.80	12.70	10.60	8.60	6.70	4.80
\$120	\$125	26.50	24.40	22.30	20.20	18.00	15.90	13.80	11.70	9.70	7.80	5.80
\$125	\$130	27.60	25.50	23.40	21.30	19.20	17.10	14.90	12.80	10.70	8.80	6.90
\$130	\$135	28.80	26.60	24.50	22.40	20.30	18.20	16.10	13.90	11.80	9.80	7.90
\$135	\$140	29.90	27.80	25.60	23.50	21.40	19.30	17.20	15.10	13.00	10.90	8.90
\$140	\$145	31.00	28.90	26.80	24.70	22.50	20.40	18.30	16.20	14.10	12.00	10.00
\$145	\$150	32.10	30.00	27.90	25.80	23.70	21.60	19.40	17.30	15.20	13.10	11.00
\$150	\$160	33.80	31.70	29.60	27.50	25.40	23.20	21.10	19.00	16.90	14.80	12.70
\$160	\$170	36.10	34.00	31.80	29.70	27.60	25.50	23.40	21.30	19.10	17.00	14.90
\$170	\$180	38.30	36.20	34.10	32.00	29.90	27.70	25.60	23.50	21.40	19.30	17.20
\$180	\$190	40.60	38.50	36.30	34.20	32.10	30.00	27.90	25.80	23.60	21.50	19.40
\$190	\$200	42.80	40.70	38.60	36.50	34.40	32.20	30.10	28.00	25.90	23.80	21.75
\$200 and over		22.5 percent of the excess over \$200 plus										
		43.90	41.80	39.70	37.60	35.50	33.40	31.30	29.10	27.00	24.90	22.80



*If the payroll period with respect to an employee is biweekly*

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
The amount of tax to be withheld shall be—												
\$0	\$20	18% of Wages	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$20	\$22	\$3.80	0	0	0	0	0	0	0	0	0	0
\$22	\$24	4.20	.30	0	0	0	0	0	0	0	0	0
\$24	\$26	4.60	.80	.10	.10	.10	.10	.10	.10	.10	.10	.10
\$26	\$28	5.00	1.20	.20	.20	.20	.20	.20	.20	.20	.20	.20
\$28	\$30	5.40	1.60	.20	.20	.20	.20	.20	.20	.20	.20	.20
\$30	\$32	5.80	2.00	.30	.30	.30	.30	.30	.30	.30	.30	.30
\$32	\$34	6.30	2.40	.30	.30	.30	.30	.30	.30	.30	.30	.30
\$34	\$36	6.70	2.80	.40	.40	.40	.40	.40	.40	.40	.40	.40
\$36	\$38	7.10	3.20	.40	.40	.40	.40	.40	.40	.40	.40	.40
\$38	\$40	7.50	3.70	.50	.50	.50	.50	.50	.50	.50	.50	.50
\$40	\$42	7.90	4.10	.50	.50	.50	.50	.50	.50	.50	.50	.50
\$42	\$44	8.30	4.50	.60	.60	.60	.60	.60	.60	.60	.60	.60
\$44	\$46	8.70	4.90	1.00	.60	.60	.60	.60	.60	.60	.60	.60
\$46	\$48	9.20	5.30	1.50	.70	.70	.70	.70	.70	.70	.70	.70
\$48	\$50	9.60	5.70	1.90	.70	.70	.70	.70	.70	.70	.70	.70
\$50	\$52	10.00	6.10	2.30	.80	.80	.80	.80	.80	.80	.80	.80
\$52	\$54	10.40	6.50	2.70	.90	.90	.90	.90	.90	.90	.90	.90
\$54	\$56	10.80	7.00	3.10	.90	.90	.90	.90	.90	.90	.90	.90
\$56	\$58	11.20	7.40	3.50	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
\$58	\$60	11.60	7.80	3.90	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
\$60	\$62	12.10	8.20	4.40	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10
\$62	\$64	12.50	8.60	4.80	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10
\$64	\$66	12.90	9.00	5.20	1.30	1.20	1.20	1.20	1.20	1.20	1.20	1.20
\$66	\$68	13.30	9.40	5.60	1.80	1.20	1.20	1.20	1.20	1.20	1.20	1.20
\$68	\$70	13.70	9.90	6.00	2.20	1.30	1.30	1.30	1.30	1.30	1.30	1.30
\$70	\$72	14.10	10.30	6.40	2.60	1.30	1.30	1.30	1.30	1.30	1.30	1.30
\$72	\$74	14.50	10.70	6.80	3.00	1.40	1.40	1.40	1.40	1.40	1.40	1.40
\$74	\$76	14.90	11.10	7.30	3.40	1.40	1.40	1.40	1.40	1.40	1.40	1.40
\$76	\$78	15.40	11.50	7.70	3.80	1.50	1.50	1.50	1.50	1.50	1.50	1.50
\$78	\$80	15.80	11.90	8.10	4.20	1.60	1.60	1.60	1.60	1.60	1.60	1.60
\$80	\$82	16.20	12.30	8.50	4.70	1.60	1.60	1.60	1.60	1.60	1.60	1.60
\$82	\$84	16.60	12.80	8.90	5.10	1.70	1.70	1.70	1.70	1.70	1.70	1.70
\$84	\$86	17.00	13.20	9.30	5.50	1.70	1.70	1.70	1.70	1.70	1.70	1.70
\$86	\$88	17.50	13.60	9.70	5.90	2.00	1.80	1.80	1.80	1.80	1.80	1.80
\$88	\$90	17.90	14.00	10.20	6.30	2.50	1.80	1.80	1.80	1.80	1.80	1.80
\$90	\$92	18.40	14.40	10.60	6.70	2.90	1.90	1.90	1.90	1.90	1.90	1.90
\$92	\$94	18.80	14.80	11.00	7.10	3.30	1.90	1.90	1.90	1.90	1.90	1.90
\$94	\$96	19.30	15.20	11.40	7.60	3.70	2.00	2.00	2.00	2.00	2.00	2.00
\$96	\$98	19.70	15.70	11.80	8.00	4.10	2.00	2.00	2.00	2.00	2.00	2.00
\$98	\$100	20.20	16.10	12.20	8.40	4.50	2.10	2.10	2.10	2.10	2.10	2.10
\$100	\$102	20.60	16.50	12.60	8.80	4.90	2.20	2.20	2.20	2.20	2.20	2.20
\$102	\$104	21.10	16.90	13.10	9.20	5.40	2.20	2.20	2.20	2.20	2.20	2.20
\$104	\$106	21.50	17.30	13.50	9.60	5.80	2.30	2.30	2.30	2.30	2.30	2.30
\$106	\$108	22.00	17.70	13.90	10.00	6.20	2.30	2.30	2.30	2.30	2.30	2.30
\$108	\$110	22.40	18.20	14.30	10.40	6.60	2.80	2.40	2.40	2.40	2.40	2.40
\$110	\$112	22.90	18.60	14.70	10.90	7.00	3.20	2.40	2.40	2.40	2.40	2.40
\$112	\$114	23.30	19.10	15.10	11.30	7.40	3.60	2.50	2.50	2.50	2.50	2.50
\$114	\$116	23.80	19.50	15.50	11.70	7.80	4.00	2.50	2.50	2.50	2.50	2.50
\$116	\$118	24.20	20.00	16.00	12.10	8.30	4.40	2.60	2.60	2.60	2.60	2.60
\$118	\$120	24.70	20.40	16.40	12.50	8.70	4.80	2.60	2.60	2.60	2.60	2.60
\$120	\$124	25.30	21.10	17.00	13.10	9.30	5.40	2.70	2.70	2.70	2.70	2.70
\$124	\$128	26.20	22.00	17.80	14.00	10.10	6.30	2.80	2.80	2.80	2.80	2.80
\$128	\$132	27.10	22.90	18.70	14.80	10.90	7.10	3.30	2.90	2.90	2.90	2.90
\$132	\$136	28.00	23.80	19.60	15.60	11.80	7.90	4.10	3.00	3.00	3.00	3.00
\$136	\$140	28.90	24.70	20.50	16.50	12.60	8.80	4.90	3.20	3.20	3.20	3.20
\$140	\$144	29.80	25.60	21.40	17.30	13.40	9.60	5.70	3.30	3.30	3.30	3.30
\$144	\$148	30.70	26.50	22.30	18.10	14.30	10.40	6.60	3.40	3.40	3.40	3.40
\$148	\$152	31.60	27.40	23.20	18.90	15.10	11.20	7.40	3.60	3.50	3.50	3.50
\$152	\$156	32.50	28.30	24.10	19.80	15.90	12.10	8.20	4.40	3.60	3.60	3.60
\$156	\$160	33.40	29.20	25.00	20.70	16.70	12.90	9.10	5.20	3.70	3.70	3.70
\$160	\$164	34.30	30.10	25.90	21.60	17.60	13.70	9.90	6.00	3.80	3.80	3.80
\$164	\$168	35.20	31.00	26.80	22.50	18.40	14.60	10.70	6.90	3.90	3.90	3.90
\$168	\$172	36.10	31.90	27.70	23.40	19.20	15.40	11.50	7.70	4.00	4.00	4.00
\$172	\$176	37.00	32.80	28.60	24.30	20.10	16.20	12.40	8.50	4.70	4.10	4.10
\$176	\$180	37.90	33.70	29.50	25.20	21.00	17.00	13.20	9.30	5.50	4.20	4.20
\$180	\$184	38.80	34.60	30.40	26.10	21.90	17.90	14.00	10.20	6.30	4.30	4.30
\$184	\$188	39.70	35.50	31.30	27.00	22.80	18.70	14.80	11.00	7.20	4.40	4.40
\$188	\$192	40.60	36.40	32.20	27.90	23.70	19.50	15.70	11.80	8.00	4.60	4.60
\$192	\$196	41.50	37.30	33.10	28.80	24.60	20.40	16.50	12.70	8.80	5.00	4.70
\$196	\$200	42.40	38.20	34.00	29.70	25.50	21.30	17.30	13.50	9.60	5.80	4.80
\$200	\$210	44.00	39.80	35.50	31.30	27.10	22.90	18.80	14.90	11.10	7.20	5.00
\$210	\$220	46.30	42.00	37.80	33.60	29.30	25.10	20.90	17.00	13.20	9.30	5.50
\$220	\$230	48.50	44.30	40.00	35.80	31.60	27.40	23.10	19.10	15.20	11.40	7.50
\$230	\$240	50.80	46.50	42.30	38.10	33.80	29.60	25.40	21.10	17.30	13.50	9.60
\$240	\$250	53.00	48.80	44.50	40.30	36.10	31.90	27.60	23.40	19.40	15.50	11.70
\$250	\$260	55.30	51.00	46.80	42.60	38.30	34.10	29.90	25.60	21.40	17.60	13.70
\$260	\$270	57.50	53.30	49.00	44.80	40.60	36.40	32.10	27.90	23.70	19.70	15.80
\$270	\$280	59.80	55.50	51.30	47.10	42.80	38.60	34.40	30.10	25.90	21.70	17.90
\$280	\$290	62.00	57.80	53.50	49.30	45.10	40.90	36.60	32.40	28.20	23.90	20.00
\$290	\$300	64.30	60.00	55.80	51.60	47.30	43.10	38.90	34.60	30.40	26.20	22.00
\$300	\$320	67.60	63.40	59.20	54.90	50.70	46.50	42.30	38.00	33.80	29.60	25.30
\$320	\$340	72.10	67.90	63.70	59.40	55.20	51.00	46.80	42.50	38.30	34.10	29.80
\$340	\$360	76.60	72.40	68.20	63.90	59.70	55.50	51.30	47.00	42.80	38.60	34.30
\$360	\$380	81.10	76.90	72.70	68.40	64.20	60.00	55.80	51.50	47.30	43.10	38.80
\$380	\$400	85.60	81.40	77.20	72.90	68.70	64.50	60.30	56.00	51.80	47.60	43.30
\$400 and over		22.5 percent of the excess over \$400 plus										
		87.90	83.70	79.40	75.20	71.00	66.70	62.50	58.30	54.00	49.80	45.60



*If the payroll period with respect to an employee is semimonthly*

And the wages are		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
The amount of tax to be withheld shall be—												
\$0.	\$22.	18% of wages	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$22.	\$24.	\$4.10	0	0	0	0	0	0	0	0	0	0
\$24.	\$26.	4.60	.40	.10	.10	.10	.10	.10	.10	.10	.10	.10
\$26.	\$28.	5.00	.80	.10	.10	.10	.10	.10	.10	.10	.10	.10
\$28.	\$30.	5.40	1.20	.20	.20	.20	.20	.20	.20	.20	.20	.20
\$30.	\$32.	5.80	1.60	.20	.20	.20	.20	.20	.20	.20	.20	.20
\$32.	\$34.	6.20	2.00	.30	.30	.30	.30	.30	.30	.30	.30	.30
\$34.	\$36.	6.60	2.50	.30	.30	.30	.30	.30	.30	.30	.30	.30
\$36.	\$38.	7.00	2.90	.40	.40	.40	.40	.40	.40	.40	.40	.40
\$38.	\$40.	7.40	3.30	.40	.40	.40	.40	.40	.40	.40	.40	.40
\$40.	\$42.	7.90	3.70	.50	.50	.50	.50	.50	.50	.50	.50	.50
\$42.	\$44.	8.30	4.10	.50	.50	.50	.50	.50	.50	.50	.50	.50
\$44.	\$46.	8.70	4.50	.60	.60	.60	.60	.60	.60	.60	.60	.60
\$46.	\$48.	9.10	4.90	.80	.60	.60	.60	.60	.60	.60	.60	.60
\$48.	\$50.	9.50	5.40	1.20	.70	.70	.70	.70	.70	.70	.70	.70
\$50.	\$52.	9.90	5.80	1.60	.80	.80	.80	.80	.80	.80	.80	.80
\$52.	\$54.	10.30	6.20	2.00	.80	.80	.80	.80	.80	.80	.80	.80
\$54.	\$56.	10.80	6.60	2.40	.90	.90	.90	.90	.90	.90	.90	.90
\$56.	\$58.	11.20	7.00	2.80	.90	.90	.90	.90	.90	.90	.90	.90
\$58.	\$60.	11.60	7.40	3.30	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
\$60.	\$62.	12.00	7.80	3.70	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
\$62.	\$64.	12.40	8.30	4.10	1.10	1.10	1.10	1.10	1.10	1.01	1.10	1.10
\$64.	\$66.	12.80	8.70	4.50	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10
\$66.	\$68.	13.20	9.10	4.90	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20
\$68.	\$70.	13.70	9.50	5.30	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20
\$70.	\$72.	14.10	9.90	5.70	1.60	1.30	1.30	1.30	1.30	1.30	1.30	1.30
\$72.	\$74.	14.50	10.30	6.20	2.00	1.30	1.30	1.30	1.30	1.30	1.30	1.30
\$74.	\$76.	14.90	10.70	6.60	2.40	1.40	1.40	1.40	1.40	1.40	1.40	1.40
\$76.	\$78.	15.30	11.10	7.00	2.80	1.50	1.50	1.50	1.50	1.50	1.50	1.50
\$78.	\$80.	15.70	11.60	7.40	3.20	1.50	1.50	1.50	1.50	1.50	1.50	1.50
\$80.	\$82.	16.10	12.00	7.80	3.60	1.60	1.60	1.60	1.60	1.60	1.60	1.60
\$82.	\$84.	16.60	12.40	8.20	4.10	1.60	1.60	1.60	1.60	1.60	1.60	1.60
\$84.	\$86.	17.00	12.80	8.60	4.50	1.70	1.70	1.70	1.70	1.70	1.70	1.70
\$86.	\$88.	17.40	13.20	9.10	4.90	1.70	1.70	1.70	1.70	1.70	1.70	1.70
\$88.	\$90.	17.80	13.60	9.50	5.30	1.80	1.80	1.80	1.80	1.80	1.80	1.80
\$90.	\$92.	18.20	14.00	9.90	5.70	1.80	1.80	1.80	1.80	1.80	1.80	1.80
\$92.	\$94.	18.60	14.50	10.30	6.10	2.00	1.90	1.90	1.90	1.90	1.90	1.90
\$94.	\$96.	19.10	14.90	10.70	6.50	2.40	1.90	1.90	1.90	1.90	1.90	1.90
\$96.	\$98.	19.50	15.30	11.10	7.00	2.80	2.00	2.00	2.00	2.00	2.00	2.00
\$98.	\$100.	20.00	15.70	11.50	7.40	3.20	2.00	2.00	2.00	2.00	2.00	2.00
\$100.	\$102.	20.40	16.10	11.90	7.80	3.60	2.10	2.10	2.10	2.10	2.10	2.10
\$102.	\$104.	20.90	16.50	12.40	8.20	4.00	2.20	2.20	2.20	2.20	2.20	2.20
\$104.	\$106.	21.30	16.90	12.80	8.60	4.40	2.20	2.20	2.20	2.20	2.20	2.20
\$106.	\$108.	21.80	17.40	13.20	9.00	4.90	2.30	2.30	2.30	2.30	2.30	2.30
\$108.	\$110.	22.20	17.80	13.60	9.40	5.30	2.30	2.30	2.30	2.30	2.30	2.30
\$110.	\$112.	22.70	18.20	14.00	9.90	5.70	2.40	2.40	2.40	2.40	2.40	2.40
\$112.	\$114.	23.10	18.60	14.40	10.30	6.10	2.40	2.40	2.40	2.40	2.40	2.40
\$114.	\$116.	23.60	19.00	14.80	10.70	6.50	2.50	2.50	2.50	2.50	2.50	2.50
\$116.	\$118.	24.00	19.50	15.30	11.10	6.90	2.80	2.50	2.50	2.50	2.50	2.50
\$118.	\$120.	24.50	19.90	15.70	11.50	7.30	3.20	2.60	2.60	2.60	2.60	2.60
\$120.	\$124.	25.20	20.60	16.30	12.10	8.00	3.80	2.70	2.70	2.70	2.70	2.70
\$124.	\$128.	26.10	21.50	17.10	13.00	8.80	4.60	2.80	2.80	2.80	2.80	2.80
\$128.	\$132.	27.00	22.40	18.00	13.80	9.60	5.50	2.90	2.90	2.90	2.90	2.90
\$132.	\$136.	27.90	23.30	18.80	14.60	10.40	6.30	3.00	3.00	3.00	3.00	3.00
\$136.	\$140.	28.80	24.20	19.60	15.40	11.30	7.10	3.10	3.10	3.10	3.10	3.10
\$140.	\$144.	29.70	25.10	20.50	16.30	12.10	7.90	3.80	3.20	3.20	3.20	3.20
\$144.	\$148.	30.60	26.00	21.40	17.10	12.90	8.80	4.60	3.30	3.30	3.30	3.30
\$148.	\$152.	31.50	26.90	22.30	17.90	13.80	9.60	5.40	3.40	3.40	3.40	3.40
\$152.	\$156.	32.40	27.80	23.20	18.80	14.60	10.40	6.30	3.50	3.50	3.50	3.50
\$156.	\$160.	33.30	28.70	24.10	19.60	15.40	11.20	7.10	3.60	3.60	3.60	3.60
\$160.	\$164.	34.20	29.60	25.00	20.40	16.20	12.10	7.90	3.70	3.70	3.70	3.70
\$164.	\$168.	35.10	30.50	25.90	21.30	17.10	12.90	8.70	4.60	3.90	3.90	3.90
\$168.	\$172.	36.00	31.40	26.80	22.20	17.90	13.70	9.60	5.40	4.00	4.00	4.00
\$172.	\$176.	36.90	32.30	27.70	23.10	18.70	14.60	10.40	6.20	4.10	4.10	4.10
\$176.	\$180.	37.80	33.20	28.60	24.00	19.60	15.40	11.20	7.10	4.20	4.20	4.20
\$180.	\$184.	38.70	34.10	29.50	24.90	20.40	16.20	12.00	7.90	4.30	4.30	4.30
\$184.	\$188.	39.60	35.00	30.40	25.80	21.20	17.00	12.90	8.70	4.50	4.40	4.40
\$188.	\$192.	40.50	35.90	31.30	26.70	22.10	17.90	13.70	9.50	5.40	4.50	4.50
\$192.	\$196.	41.40	36.80	32.20	27.60	23.00	18.70	14.50	10.40	6.20	4.60	4.60
\$196.	\$200.	42.30	37.70	33.10	28.50	23.90	19.50	15.40	11.20	7.00	4.70	4.70
\$200.	\$210.	43.80	39.30	34.70	30.10	25.50	21.00	16.80	12.60	8.50	4.90	4.90
\$210.	\$220.	46.10	41.50	36.90	32.30	27.80	23.20	18.90	14.70	10.50	6.40	5.20
\$220.	\$230.	48.30	43.80	39.20	34.60	30.00	25.40	21.00	16.80	12.60	8.50	5.50
\$230.	\$240.	50.60	46.00	41.40	36.80	32.30	27.70	23.10	18.90	14.70	10.50	6.40
\$240.	\$250.	52.80	48.30	43.70	39.10	34.50	29.90	25.30	20.90	16.80	12.60	8.40
\$250.	\$260.	55.10	50.50	45.90	41.30	36.80	32.20	27.60	23.00	18.80	14.70	10.50
\$260.	\$270.	57.30	52.80	48.20	43.60	39.00	34.40	29.80	25.30	20.90	16.70	12.60
\$270.	\$280.	59.60	55.00	50.40	45.80	41.30	36.70	32.10	27.50	23.00	18.80	14.60
\$280.	\$290.	61.80	57.30	52.70	48.10	43.50	38.90	34.30	29.80	25.20	20.90	16.70
\$290.	\$300.	64.10	59.50	54.90	50.30	45.80	41.20	36.60	32.00	27.40	22.90	18.80
\$300.	\$320.	67.50	62.90	58.30	53.70	49.10	44.50	40.00	35.40	30.80	26.20	21.90
\$320.	\$340.	72.00	67.40	62.80	58.20	53.60	49.00	44.50	39.90	35.30	30.70	26.10
\$340.	\$360.	76.50	71.90	67.30	62.70	58.10	53.50	49.00	44.40	39.80	35.20	30.60
\$360.	\$380.	81.00	76.40	71.80	67.20	62.60	58.00	53.50	48.90	44.30	39.70	35.10
\$380.	\$400.	85.50	80.90	76.30	71.70	67.10	62.50	58.00	53.40	48.80	44.20	39.60
\$400.	\$420.	90.00	85.40	80.80	76.20	71.60	67.00	62.50	57.90	53.30	48.70	44.10



*If the payroll period with respect to an employee is monthly*

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
The amount of tax to be withheld shall be—												
		18% of Wages	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$0	\$44	\$8.30	0	0	0	0	0	0	0	0	0	0
\$44	\$48	9.10	.80	.10	.10	.10	.10	.10	.10	.10	.10	.10
\$48	\$52	9.90	1.60	.20	.20	.20	.20	.20	.20	.20	.20	.20
\$52	\$56	10.80	2.40	.30	.30	.30	.30	.30	.30	.30	.30	.30
\$56	\$60	11.60	3.30	.40	.40	.40	.40	.40	.40	.40	.40	.40
\$60	\$64	12.40	4.10	.50	.50	.50	.50	.50	.50	.50	.50	.50
\$64	\$68	13.20	4.90	.60	.60	.60	.60	.60	.60	.60	.60	.60
\$68	\$72	14.10	5.70	.70	.70	.70	.70	.70	.70	.70	.70	.70
\$72	\$76	14.90	6.60	.90	.90	.90	.90	.90	.90	.90	.90	.90
\$76	\$80	15.70	7.40	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
\$80	\$84	16.60	8.20	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10
\$84	\$88	17.40	9.00	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20
\$88	\$92	18.20	9.90	1.50	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30
\$92	\$96	19.00	10.70	2.40	1.40	1.40	1.40	1.40	1.40	1.40	1.40	1.40
\$96	\$100	19.90	11.50	3.20	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50
\$100	\$104	20.70	12.40	4.00	1.60	1.60	1.60	1.60	1.60	1.60	1.60	1.60
\$104	\$108	21.50	13.20	4.90	1.70	1.70	1.70	1.70	1.70	1.70	1.70	1.70
\$108	\$112	22.30	14.00	5.70	1.80	1.80	1.80	1.80	1.80	1.80	1.80	1.80
\$112	\$116	23.20	14.80	6.50	1.90	1.90	1.90	1.90	1.90	1.90	1.90	1.90
\$116	\$120	24.00	15.70	7.30	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
\$120	\$124	24.80	16.50	8.20	2.20	2.20	2.20	2.20	2.20	2.20	2.20	2.20
\$124	\$128	25.70	17.30	9.00	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30
\$128	\$132	26.50	18.20	9.80	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40
\$132	\$136	27.30	19.00	10.60	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50
\$136	\$140	28.10	19.80	11.50	3.10	2.60	2.60	2.60	2.60	2.60	2.60	2.60
\$140	\$144	29.00	20.60	12.30	4.00	2.70	2.70	2.70	2.70	2.70	2.70	2.70
\$144	\$148	29.80	21.50	13.10	4.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80
\$148	\$152	30.60	22.30	14.00	5.60	2.90	2.90	2.90	2.90	2.90	2.90	2.90
\$152	\$156	31.50	23.10	14.80	6.50	3.00	3.00	3.00	3.00	3.00	3.00	3.00
\$156	\$160	32.30	24.00	15.60	7.30	3.10	3.10	3.10	3.10	3.10	3.10	3.10
\$160	\$164	33.10	24.80	16.40	8.10	3.20	3.20	3.20	3.20	3.20	3.20	3.20
\$164	\$168	33.90	25.60	17.30	8.90	3.30	3.30	3.30	3.30	3.30	3.30	3.30
\$168	\$172	34.80	26.40	18.10	9.80	3.40	3.40	3.40	3.40	3.40	3.40	3.40
\$172	\$176	35.60	27.30	18.90	10.60	3.60	3.60	3.60	3.60	3.60	3.60	3.60
\$176	\$180	36.40	28.10	19.80	11.40	3.70	3.70	3.70	3.70	3.70	3.70	3.70
\$180	\$184	37.30	28.90	20.60	12.30	3.90	3.80	3.80	3.80	3.80	3.80	3.80
\$184	\$188	38.20	29.70	21.40	13.10	4.70	3.90	3.90	3.90	3.90	3.90	3.90
\$188	\$192	39.10	30.60	22.20	13.90	5.60	4.00	4.00	4.00	4.00	4.00	4.00
\$192	\$196	40.00	31.40	23.10	14.70	6.40	4.10	4.10	4.10	4.10	4.10	4.10
\$196	\$200	40.90	32.20	23.90	15.60	7.20	4.20	4.20	4.20	4.20	4.20	4.20
\$200	\$204	41.80	33.10	24.70	16.40	8.10	4.30	4.30	4.30	4.30	4.30	4.30
\$204	\$208	42.70	33.90	25.60	17.20	8.90	4.40	4.40	4.40	4.40	4.40	4.40
\$208	\$212	43.60	34.70	26.40	18.00	9.70	4.50	4.50	4.50	4.50	4.50	4.50
\$212	\$216	44.50	35.50	27.20	18.90	10.50	4.60	4.60	4.60	4.60	4.60	4.60
\$216	\$220	45.40	36.40	28.00	19.70	11.40	4.70	4.70	4.70	4.70	4.70	4.70
\$220	\$224	46.30	37.20	28.90	20.50	12.20	4.90	4.90	4.90	4.90	4.90	4.90
\$224	\$228	47.20	38.00	29.70	21.40	13.00	5.00	5.00	5.00	5.00	5.00	5.00
\$228	\$232	48.10	38.90	30.50	22.20	13.90	5.50	5.10	5.10	5.10	5.10	5.10
\$232	\$236	49.00	39.80	31.30	23.00	14.70	6.30	5.20	5.20	5.20	5.20	5.20
\$236	\$240	50.30	41.20	32.60	24.30	15.90	7.60	5.30	5.30	5.30	5.30	5.30
\$240	\$248	52.10	43.00	34.20	25.90	17.60	9.20	5.60	5.60	5.60	5.60	5.60
\$248	\$256	53.90	44.80	35.90	27.60	19.20	10.90	5.80	5.80	5.80	5.80	5.80
\$256	\$264	55.70	46.60	37.60	29.20	20.90	12.60	6.00	6.00	6.00	6.00	6.00
\$264	\$272	57.50	48.40	39.20	30.90	22.50	14.20	6.20	6.20	6.20	6.20	6.20
\$272	\$280	59.30	50.20	41.00	32.50	24.20	15.90	7.50	6.40	6.40	6.40	6.40
\$280	\$288	61.10	52.00	42.80	34.20	25.90	17.50	9.20	6.60	6.60	6.60	6.60
\$288	\$296	62.90	53.80	44.60	35.80	27.50	19.20	10.90	6.90	6.90	6.90	6.90
\$296	\$304	64.70	55.60	46.40	37.50	29.20	20.80	12.50	7.10	7.10	7.10	7.10
\$304	\$312	66.50	57.40	48.20	39.20	30.80	22.50	14.20	7.30	7.30	7.30	7.30
\$312	\$320	68.30	59.20	50.00	40.80	32.50	24.20	15.80	7.50	7.50	7.50	7.50
\$320	\$328	70.10	61.00	51.80	42.60	34.10	25.80	17.50	9.10	7.70	7.70	7.70
\$328	\$336	71.90	62.80	53.60	44.40	35.80	27.50	19.10	10.80	7.90	7.90	7.90
\$336	\$344	73.70	64.60	55.40	46.20	37.50	29.10	20.80	12.50	8.10	8.10	8.10
\$344	\$352	75.50	66.40	57.20	48.00	39.10	30.80	22.40	14.10	8.40	8.40	8.40
\$352	\$360	77.30	68.20	59.00	49.80	40.80	32.40	24.10	15.80	8.60	8.60	8.60
\$360	\$368	79.10	70.00	60.80	51.60	42.50	34.10	25.80	17.40	9.10	8.80	8.80
\$368	\$376	80.90	71.80	62.60	53.40	44.30	35.70	27.40	19.10	10.70	9.00	9.00
\$376	\$384	82.70	73.60	64.40	55.20	46.10	37.40	29.10	20.70	12.40	9.20	9.20
\$384	\$392	84.50	75.40	66.20	57.00	47.90	39.10	30.70	22.40	14.10	9.40	9.40
\$392	\$400	87.70	78.50	69.30	60.20	51.00	42.00	33.60	25.30	17.00	9.80	9.80
\$400	\$420	92.20	83.00	73.80	64.70	55.50	46.30	37.80	29.40	21.10	12.80	10.40
\$420	\$440	96.70	87.50	78.30	69.20	60.00	50.80	41.90	33.60	25.20	16.90	10.90
\$440	\$460	101.20	92.00	82.80	73.70	64.50	55.30	46.20	37.70	29.40	21.00	12.70
\$460	\$480	105.70	96.50	87.30	78.20	69.00	59.80	50.70	41.80	33.50	25.20	16.80
\$480	\$500	110.20	101.00	91.80	82.70	73.50	64.30	55.20	46.00	37.70	29.30	21.00
\$500	\$520	114.70	105.50	96.30	87.20	78.00	68.80	59.70	50.50	41.80	33.50	25.10
\$520	\$540	119.20	110.00	100.80	91.70	82.50	73.30	64.20	55.00	45.90	37.60	29.30
\$540	\$560	123.70	114.50	105.30	96.20	87.00	77.80	68.70	59.50	50.30	41.70	33.40
\$560	\$580	128.20	119.00	109.80	100.70	91.50	82.30	73.20	64.00	54.80	45.90	37.50
\$580	\$600	134.90	125.80	116.60	107.40	98.30	89.10	79.90	70.80	61.60	52.40	43.80
\$600	\$640	143.90	134.80	125.60	116.40	107.30	98.10	88.90	79.80	70.60	61.40	52.30
\$640	\$680	152.90	143.80	134.60	125.40	116.30	107.10	97.90	88.80	79.60	70.40	61.30
\$680	\$720	161.90	152.80	143.60	134.40	125.30	116.10	106.90	97.80	88.60	79.40	70.30
\$720	\$760	170.90	161.80	152.60	143.40	134.30	125.10	115.90	106.80	97.60	88.40	79.30
\$760	\$800	179.90	170.80	161.60	152.40	143.30	134.10	124.90	115.80	106.60	97.40	88.30
\$800	\$840	188.90	179.80	170.60	161.40	152.30	143.10	133.90	124.80	115.60	106.40	97.30
\$840	\$880	197.90	188.80	179.60	170.40	161.30	152.10	142.90	133.80	124.60	115.40	106.30
\$880	\$920	206.90	197.80	188.60	179.40	170.30	161.10	151.90	142.80	133.60	124.40	115.30
\$920	\$960	215.90	206.80	197.60	188.40	179.30	170.10	160.90	151.80	142.60	133.40	124.30
\$960	\$1,000											
\$1,000 and over		22.5 percent of the excess over \$1,000 plus										
		220.40	211.30	202.10	192.90	183.80	174.60	165.40	156.30	147.10	137.90	128.08



If the payroll period with respect to an employee is a daily payroll period  
or a miscellaneous payroll period

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least	But less than	The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period										
		18% of wages	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$0	\$1.50	\$0.30	0	0	0	0	0	0	0	0	0	0
\$1.50	\$1.75	.35	.05	0	0	0	0	0	0	0	0	0
\$1.75	\$2.00	.40	.10	0	0	0	0	0	0	0	0	0
\$2.00	\$2.25	.45	.20	0	0	0	0	0	0	0	0	0
\$2.25	\$2.50	.50	.25	.05	.05	.05	.05	.05	.05	.50	.05	.05
\$2.50	\$2.75	.55	.30	.05	.05	.05	.05	.05	.05	.05	.05	.05
\$2.75	\$3.00	.60	.35	.05	.05	.05	.05	.05	.05	.05	.05	.05
\$3.00	\$3.25	.65	.40	.10	.05	.05	.05	.05	.05	.05	.05	.05
\$3.25	\$3.50	.70	.45	.15	.05	.05	.05	.05	.05	.05	.05	.05
\$3.50	\$3.75	.75	.50	.20	.05	.05	.05	.05	.05	.05	.05	.05
\$3.75	\$4.00	.80	.55	.25	.05	.05	.05	.05	.05	.05	.05	.05
\$4.00	\$4.25	.85	.60	.30	.10	.10	.10	.10	.10	.10	.10	.10
\$4.25	\$4.50	.90	.65	.35	.10	.10	.10	.10	.10	.10	.10	.10
\$4.50	\$4.75	.95	.70	.40	.15	.10	.10	.10	.10	.10	.10	.10
\$4.75	\$5.00	1.00	.75	.45	.20	.10	.10	.10	.10	.10	.10	.10
\$5.00	\$5.25	1.05	.80	.50	.25	.10	.10	.10	.10	.10	.10	.10
\$5.25	\$5.50	1.10	.85	.60	.30	.10	.10	.10	.10	.10	.10	.10
\$5.50	\$5.75	1.20	.90	.65	.35	.10	.10	.10	.10	.10	.10	.10
\$5.75	\$6.00	1.25	.95	.70	.40	.15	.10	.10	.10	.10	.10	.10
\$6.00	\$6.25	1.30	1.00	.75	.45	.20	.15	.15	.15	.15	.15	.15
\$6.25	\$6.50	1.35	1.05	.80	.50	.25	.15	.15	.15	.15	.15	.15
\$6.50	\$6.75	1.40	1.10	.85	.55	.30	.15	.15	.15	.15	.15	.15
\$6.75	\$7.00	1.45	1.15	.90	.60	.35	.15	.15	.15	.15	.15	.15
\$7.00	\$7.25	1.50	1.20	.95	.65	.40	.15	.15	.15	.15	.15	.15
\$7.25	\$7.50	1.55	1.25	1.00	.70	.45	.15	.15	.15	.15	.15	.15
\$7.50	\$7.75	1.60	1.30	1.05	.75	.50	.20	.15	.15	.15	.15	.15
\$7.75	\$8.00	1.70	1.40	1.10	.80	.55	.25	.20	.20	.20	.20	.20
\$8.00	\$8.25	1.75	1.45	1.15	.85	.60	.30	.20	.20	.20	.20	.20
\$8.25	\$8.50	1.80	1.50	1.20	.90	.65	.35	.20	.20	.20	.20	.20
\$8.50	\$8.75	1.85	1.55	1.25	.95	.70	.45	.20	.20	.20	.20	.20
\$8.75	\$9.00	1.90	1.60	1.30	1.05	.75	.50	.20	.20	.20	.20	.20
\$9.00	\$9.25	1.95	1.65	1.35	1.10	.80	.55	.25	.20	.20	.20	.20
\$9.25	\$9.50	2.00	1.70	1.40	1.15	.85	.60	.30	.20	.20	.20	.20
\$9.50	\$9.75	2.05	1.75	1.45	1.20	.90	.65	.35	.25	.25	.25	.25
\$9.75	\$10.00	2.15	1.85	1.55	1.25	1.00	.70	.45	.25	.25	.25	.25
\$10.00	\$10.50	2.25	1.95	1.65	1.35	1.10	.80	.55	.25	.25	.25	.25
\$10.50	\$11.00	2.40	2.10	1.80	1.50	1.20	.90	.65	.35	.25	.25	.25
\$11.00	\$11.50	2.50	2.20	1.90	1.60	1.30	1.00	.75	.45	.30	.30	.30
\$11.50	\$12.00	2.60	2.30	2.00	1.70	1.40	1.15	.85	.60	.30	.30	.30
\$12.00	\$12.50	2.70	2.40	2.10	1.80	1.50	1.25	.95	.70	.40	.30	.30
\$12.50	\$13.00	2.85	2.55	2.25	1.95	1.65	1.35	1.05	.80	.50	.30	.30
\$13.00	\$13.50	2.95	2.65	2.35	2.05	1.75	1.45	1.15	.90	.60	.35	.35
\$13.50	\$14.00	3.05	2.75	2.45	2.15	1.85	1.55	1.25	1.00	.70	.45	.35
\$14.00	\$14.50	3.15	2.85	2.25	2.25	1.95	1.65	1.35	1.10	.80	.55	.35
\$14.50	\$15.00	3.30	3.00	2.70	2.40	2.10	1.75	1.45	1.20	.90	.65	.40
\$15.00	\$15.50	3.40	3.10	2.80	2.50	2.20	1.90	1.60	1.30	1.05	.75	.50
\$15.50	\$16.00	3.50	3.20	2.90	2.60	2.30	2.00	1.70	1.40	1.15	.85	.60
\$16.00	\$16.50	3.60	3.30	3.00	2.70	2.40	2.10	1.80	1.50	1.25	.95	.70
\$16.50	\$17.00	3.75	3.45	3.15	2.85	2.55	2.20	1.90	1.60	1.35	1.05	.80
\$17.00	\$17.50	3.85	3.55	3.25	2.95	2.65	2.35	2.05	1.75	1.45	1.15	.90
\$17.50	\$18.00	3.95	3.65	3.35	3.05	2.75	2.45	2.15	1.85	1.55	1.25	1.00
\$18.00	\$18.50	4.05	3.75	3.45	3.15	2.85	2.55	2.25	1.95	1.65	1.35	1.10
\$18.50	\$19.00	4.20	3.90	3.60	3.30	3.00	2.65	2.35	2.05	1.75	1.50	1.20
\$19.00	\$19.50	4.30	4.00	3.70	3.40	3.10	2.80	2.50	2.20	1.90	1.60	1.30
\$19.50	\$20.00	4.45	4.15	3.85	3.55	3.25	2.95	2.65	2.35	2.05	1.75	1.45
\$20.00	\$21.00	4.70	4.40	4.10	3.80	3.50	3.20	2.90	2.60	2.30	1.95	1.65
\$21.00	\$22.00	4.90	4.60	4.30	4.00	3.70	3.40	3.10	2.80	2.50	2.20	1.90
\$22.00	\$23.00	5.15	4.85	4.55	4.25	3.95	3.65	3.35	3.05	2.75	2.40	2.10
\$23.00	\$24.00	5.35	5.05	4.75	4.45	4.15	3.85	3.55	3.25	2.95	2.65	2.35
\$24.00	\$25.00	5.60	5.30	5.00	4.70	4.40	4.10	3.80	3.50	3.20	2.85	2.55
\$25.00	\$26.00	5.80	5.50	5.20	4.90	4.60	4.30	4.00	3.70	3.40	3.10	2.80
\$26.00	\$27.00	6.05	5.75	5.45	5.15	4.85	4.55	4.25	3.95	3.65	3.30	3.00
\$27.00	\$28.00	6.25	5.95	5.65	5.35	5.05	4.75	4.45	4.15	3.85	3.55	3.25
\$28.00	\$29.00	6.50	6.20	5.90	5.60	5.30	5.00	4.70	4.40	4.10	3.75	3.45
\$29.00	\$30.00											
\$30.00 and over		22.5 percent of the excess over \$300 plus										
		6.60	6.30	6.00	5.70	5.40	5.10	4.80	4.50	4.20	3.90	3.60

\* \* \* \* \*



**(h) Withholding exemptions—(1) In general.**—An employee receiving wages shall on any day be entitled to the following withholding exemptions:

(A) An exemption for himself.

(B) If the employee is married, an exemption with respect to his spouse, unless his spouse has in effect a withholding exemption certificate claiming a withholding exemption under subparagraph (A).

(C) An exemption for each individual with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable a surtax exemption under section 25 (b) (3) for the taxable year under Chapter 1 in respect of which amounts deducted and withheld under this subchapter in the calendar year in which such day falls are allowed as a credit.

**(2) Exemption certificates.**—(A) **On Commencement of Employment.**—On or before the date of the commencement of employment with an employer, the employee shall furnish the employer with a signed withholding exemption certificate relating to the number of withholding exemptions which he claims, which shall in no event exceed the number to which he is entitled.

(B) **Changes of Status, Etc.**—If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is less than the number of withholding exemptions claimed by the employee on the withholding exemption certificate then in effect with respect to him, the employee shall within ten days thereafter furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day. If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is greater than the number of withholding exemptions claimed, the employee may furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day.

(C) **Change of Status, Etc., Which Affects Next Calendar Year.**—If on any day during the calendar year the number of withholding exemptions to which the employee will be, or may reasonably be expected to be, entitled at the beginning of his next taxable year under Chapter 1 is different from the number to which the employee is entitled on such day, the employee shall, in such cases and at such times as the Commissioner, with the approval of the Secretary, may by regulations prescribe, furnish the employer with a withholding exemption certificate relating to the number of withholding exemptions which he claims with respect to such next taxable year, which shall in no event exceed the number to which he will be, or may reasonably be expected to be, so entitled.

**(3) When certificate takes effect.**—(A) **First Certificate Furnished.**—A withholding exemption certificate furnished the employer in cases in which no previous such certificate is in effect shall take effect as of the beginning of the first payroll period



ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished.

(B) **Furnished to Take Place of Existing Certificate.**—A withholding exemption certificate furnished the employer in cases in which a previous such certificate is in effect shall take effect with respect to the first payment of wages made on or after the first status determination date which occurs at least thirty days from the date on which such certificate is so furnished, except that at the election of the employer such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is so furnished; but a certificate furnished pursuant to paragraph (2) (C) shall not take effect, and may not be made effective, with respect to any payment of wages made in the calendar year in which the certificate is furnished. For the purposes of this subparagraph the term "status determination date" means January 1 and July 1 of each year.

(4) **Period during which certificate remains in effect.**—A withholding exemption certificate which takes effect under this subsection shall continue in effect with respect to the employer until another such certificate takes effect under this subsection.

(5) **Contents of certificate.**—Withholding exemption certificates shall be in such form and contain such information as the Commissioner may, with the approval of the Secretary, by regulations prescribe. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126, amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 137, 58 Stat. 53; May 29, 1944, 7 p. m., E. W. T., ch. 210, part II, § 22 (b-d), 58 Stat. 255.)

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#### AMENDMENTS

1944—Subsec. (a) amended by act May 29, 1944, cited to text, which omitted the 3% provision designed to collect the Victory tax and provided a graduated scale of withholding tax so that a taxpayer whose income is from wages will have the full tax withheld on wages up to \$5000.

Subsec. (b) (1) amended by act May 29, 1944, cited to text, which omitted the two tables necessary to prescribe the appropriate exemptions for all payroll periods for every family status under both the Victory tax and the regular income, and inserted in lieu thereof one short table covering all payroll periods.

Subsec. (c) (1) amended generally by act May 29, 1944, cited to text, which provided for new withholding tables for different pay periods to take into account the repeal of the Victory tax and the revision of both the normal and surtax rates.

Subsec. (h) amended by act May 29, 1944, cited to text, which completely revised the provisions relating to withholding exemption certificates.

#### EFFECTIVE DATE

Amendment of subsecs. (a), (b) (1), and (h) by act May 29, 1944, § 22 (b), (c), (d), respectively, cited to text, was made applicable only with respect to wages paid on or after Jan. 1, 1945, by section 21 thereof.

#### NEW WITHHOLDING EXEMPTION CERTIFICATES

Subsec. (e) of act May 29, 1944, § 22, cited to text, provided:

"(1) *Old certificates made ineffective.* Certificates furnished (whether before or after the enactment of this Act) [May 29, 1944, 7 p. m., E. W. T.] under section 1622 (h) of the Internal Revenue Code, without regard to its amendment by this Act [Act May 29, 1944, 7 p. m., E. W. T., ch. 210, part



II, § 22, 58 Stat. 247], shall have no effect with respect to withholding to which such section, as amended by this Act, is applicable.

"(2) *Requirement of furnishing new certificate.* On or before December 1, 1944, and on or before the date of commencement of employment if such date occurs after December 1, 1944, and prior to January 1, 1945, each employee receiving wages shall furnish his employer with the withholding exemption certificate, required by section 1622 (h) of the Internal Revenue Code (as amended by this Act) in the case of commencement of employment on or after January 1, 1945, and for such purposes the number of withholding exemptions which he is entitled to claim shall be the number which he would be entitled to claim if the day on which such certificate is so furnished were January 1, 1945.

"(3) *When new certificates take effect.* A certificate furnished under paragraph (2) of this subsection shall take effect with respect to the first payment of wages with respect to which section 1622 of the Internal Revenue Code, as amended by this Act, is applicable. A certificate furnished under section 1622 (h) of the Internal Revenue Code, as amended by this Act, after December 1, 1944, and prior to January 1, 1945, and not furnished on or before the date of commencement of employment, shall take effect as provided in section 1622 (h) (3) (B) of such Code, as so amended, except that it may not be made effective with respect to any payment of wages to which section 1622 of such Code, as so amended, is not applicable. A certificate furnished under section 1622 (h) of such Code, as so amended, to an employer on or after January 1, 1945, and not furnished on or before the date of commencement of employment with such employer, shall take effect as provided in section 1622 (h) (3) (B) of such Code, as so amended, if such certificate is the first certificate so furnished and if on December 31, 1944, a certificate was in effect with respect to such employer under section 1622 (h) of such Code, without regard to such amendments."

**§ 1623. Liability for tax.**—The employer shall be liable for the payment of the tax required to be deducted and withheld under this subchapter, and shall not be liable to any person for the amount of any such payment. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.)

**§ 1624. Return and payment by governmental employer.**—If the employer is the United States, or a State, Territory, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, the return of the amount deducted and withheld upon any wages may be made by any officer or employee of the United States, or of such State, Territory, or political subdivision, or of the District of Columbia, or of such agency or instrumentality, as the case may be, having control of the payment of such wages, or appropriately designated for that purpose. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.)

**§ 1625. Receipts. (a) Requirement.**—Every employer required to deduct and withhold a tax in respect of the wages of an employee shall furnish to each such employee in respect of his employment during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of wages is made, a written statement showing the wages paid by the employer to such employee during such calendar year, and the amount of the tax deducted and withheld under this subchapter in respect of such wages.

**(b) Statements to constitute information returns.**—The statements required to be furnished by this section in respect of any wages shall be furnished at such other times, shall contain such



other information, and shall be in such form as the Commissioner, with the approval of the Secretary, may by regulations prescribe. A duplicate of such statement if made and filed in accordance with regulations prescribed by the Commissioner with the approval of the Secretary shall constitute the return required to be made in respect of such wages under section 147.

**(c) Extension of time.**—The Commissioner, under such regulations as he may prescribe with the approval of the Secretary, may grant to any employer a reasonable extension of time (not in excess of thirty days) with respect to the statements required to be furnished under this section. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.)

**§ 1626. Penalties. (a) Penalties for fraudulent receipt or failure to furnish receipt.**—In lieu of any other penalty provided by law (except the penalty provided by subsection (b) of this section), any person required under the provisions of section 1625 to furnish a receipt in respect of tax withheld pursuant to this subchapter who willfully furnishes a false or fraudulent receipt, or who willfully fails to furnish a receipt in the manner, at the time, and showing the information required under section 1625, or regulations prescribed thereunder, shall for each such failure, upon conviction thereof be fined not more than \$1,000, or imprisoned for not more than one year, or both.

**(b) Additional penalty.**—In addition to the penalty provided by subsection (a) of this section, any person required under the provisions of section 1625 to furnish a receipt in respect of tax withheld pursuant to this subchapter who willfully furnishes a false or fraudulent receipt, or who willfully fails to furnish a receipt in the manner, at the time, and showing the information required under section 1625, or regulations prescribed thereunder, shall for each such failure be subject to a civil penalty of not more than \$50.

**(c) Failure of employer to file return or pay tax.**—In case of any failure to make and file return or pay the tax required by this subchapter, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, the addition to the tax shall not be less than \$10.

**(d) Penalties in respect of withholding exemption certificates.**—Any individual required to supply information to his employer under section 1622 (h) who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under section 1622, shall, in lieu of any penalty otherwise provided, upon conviction thereof, be fined not more than \$500, or imprisoned for not more than one year, or both. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.)

**§ 1627. Other laws applicable.**—All provisions of law, including penalties, applicable with respect to the tax imposed by section 1400 shall, insofar as applicable and not inconsistent with the provisions of this subchapter, be applicable with respect to the tax under this subchapter. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a) 57 Stat. 126.)



**§ 1630. Verification of returns, etc. (a) Power of commissioner to require.**—The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under this chapter shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

**(b) Penalties.**—Every person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be subject to the penalties prescribed for perjury in section 125 of the Criminal Code.<sup>1</sup> (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.)

#### EFFECTIVE DATE

Section as effective July 1, 1943, see note preceding section 1621 of this title.

**§ 1631. Use of government depositaries in connection with payment of taxes.**—The Secretary may authorize incorporated banks or trust companies which are depositaries or financial agents of the United States to receive any taxes under this chapter in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, time, and conditions under which the receipt of such taxes by such depositaries and financial agents is to be treated as payment of such taxes to the collectors. (Added June 9, 1943, 7 p. m. E. W. T., ch. 120, § 2 (a), 57 Stat. 126.)

**§ 1632. Acts to be performed by agents.**—In case of a fiduciary, agent or other person has the control, receipt, custody, or disposal of, or pays the wages of an employee or group of employees, employed by one or more employers, the Commissioner, under regulations prescribed by him with the approval of the Secretary, is authorized to designate such fiduciary agent, or other person to perform such acts as are required of employers under this chapter and as the Commissioner may specify. Except as may be otherwise prescribed by the Commissioner with the approval of the Secretary, all provisions of law (including penalties) applicable in respect of an employer shall be applicable to a fiduciary, agent or other person so designated but, except as so provided, the employer for whom such fiduciary, agent or other person acts shall remain subject to the provisions of law (including penalties) applicable in respect of employers. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.)

#### COTTON FUTURES

**§ 1920. Tax—(a) Rate.**—Upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there shall

<sup>1</sup> 18 U.S.C.A. § 231.



be levied a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract.

**(b) By whom paid.**—The tax imposed by subsection (a) shall be paid by the seller of the cotton involved in the contract of sale.

**(c) How paid.**—The tax imposed by subsection (a) shall be paid by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury.

**(d) Cross reference.**—

For authority of the Secretary of the Treasury to promulgate rules and regulations for the collection of the tax, see section 1928 ((a). (53 Stat. 210.)

#### DERIVATION

Subsection (a) from act Aug. 11, 1916, ch. 313, § 3, 39 Stat. 476.

Subsections (b), (c) from act Aug. 11, 1916, ch. 313, § 11, 39 Stat. 480.

#### SIMILAR PROVISIONS

1914—Aug. 18, 1914, ch. 255, § 3, 38 Stat. 693.

**§ 1922. Exemption of basis grade contracts—(a) Conditions.**—No tax shall be levied under this chapter on any contract of sale mentioned in section 1920 (a) if the contract comply with each of the following conditions:

**(1) Conformity with section 1925 (a) and regulations.**—Conform to the requirements in section 1925 (a) of, and the rules and regulations made pursuant to, this chapter.

**(2) Specification of grade, price, dates of sale and settlement.**—Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth paragraph of this subsection, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

**(3) Provision for delivery of standard grades only.**—Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth paragraph of this subsection and no other grade or grades.

**(4) Provision for settlement on basis of actual commercial differences.**—Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

**(5) Prohibition of delivery of inferior cotton.**—Provide that cotton that, because of the presence of extraneous matter of any



character, or irregularities or defects, is reduced in value below that of low middling, or cotton that is below the grade of low middling, or, if tinged, cotton that is below the grade of strict middling, or, if yellow stained, cotton that is below the grade of good middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple, or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed," shall not be delivered on, under, or in settlement of such contract.

**(6) Provisions for tender in full, notice of delivery date, and certificate of grade.**—Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that, on the fifth business day prior to delivery, the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that, on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

**(7) Provision for tender and settlement in accordance with Government classification.**—Provide that all tenders of cotton and settlements therefor under such contract shall be in accordance with the classification thereof made under the regulations of the Secretary of Agriculture by such officer or officers of the Government as shall be designated for the purpose, and the costs of such classification shall be fixed, assessed, collected and paid as provided in such regulations. All moneys collected as such costs may be used as a revolving fund for carrying out the purposes of this paragraph. The Secretary of Agriculture is authorized to prescribe regulations for carrying out the purposes of this paragraph, and the certificates of the officers of the Government as to the classification of any cotton for the purposes of this paragraph shall be accepted in the courts of the United States in all suits between the parties to such contract, or their privies, as prima facie evidence of the true classification of the cotton involved.

**(b) Incorporation of conditions in contracts.**—The provisions of the third, fourth, fifth, sixth, and seventh paragraphs of subsection (a) shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "subject to Internal Revenue Code, section 1922."

**(c) Delivery allowances.**—For the purposes of this section the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial dif-



ferences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth paragraph of subsection (a), for the delivery of cotton on the contract, established by the sale of spot cotton in the spot markets of not less than five places designated for the purposes from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton, in such designated five or more markets: *Provided*, That for the purpose of this subsection such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades, such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture. (53 Stat. 210.)

#### DERIVATION

Subsections (a) and (b) from acts Aug. 11, 1916, ch. 313, § 5, 39 Stat. 476, as amended by act Mar. 4, 1919, ch. 125, § 6, 40 Stat. 1351; May 31, 1920, ch. 217, § 1, 41 Stat. 725.

Subsection (c) from act Aug. 11, 1916, ch. 313, § 6, 39 Stat. 478, as amended by act Feb. 26, 1927, ch. 219, 44 Stat. 1248.

#### SIMILAR PROVISIONS

Provisions similar to subsection (c) were contained in act Aug. 18, 1914, ch. 255, § 6, 38 Stat. 695.

**§ 1923. Exemption of tendered grade contracts—(a) Conditions.**—No tax shall be levied under this chapter on any contract of sale mentioned in section 1920 (a) if the contract—

**(1) Compliance with section 1922.**—Comply with all the terms and conditions of section 1922 not inconsistent with this section; and

**(2) Provision for contingent specific performance.**—Provide that, in case of cotton of grade or grades other than the basis grade specified in the contract shall be tendered in performance of the contract, the parties to such contract may agree, at the time of the tender, as to the price of the grade or grades so tendered, and that if they shall not then agree as to such price, then, and in that event, the buyer of said contract shall have the right to demand the specific fulfillment of such contract by the actual delivery of cotton of the basis grade named therein and at the price specified for such basis grade in said contract.

**(b) Incorporation of conditions in contract.**—Contracts made in compliance with this section shall be known as "Section 1923 Contracts." The provisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to Internal Revenue Code, section 1923."

**(c) Application of section.**—Nothing in this section shall be so construed as to relieve from the tax levied by section 1920 (a) of this chapter any contract in which, or in the settlement of or in respect to which, any device or arrangement whatever is resorted to, or any agreement is made, for the determination or adjustment of the price of the grade or grades tendered other



than the basis grade specified in the contract by any "fixed difference" system, or by arbitration, or by any other method not provided for by this chapter. (53 Stat. 212.)

#### DERIVATION

Act Aug. 11, 1916, ch. 313, § 6 A, 39 Stat. 478.

**§ 1924. Exemption of specific grade contracts.—(a) Conditions.**—No tax shall be levied under this chapter on any contract of sale mentioned in section 1920 (a) if the contract comply with each of the following conditions:

(1) **Conformity with rules and regulations.**—Conform to the rules and regulations made pursuant to this chapter.

(2) **Specification of grade, price, dates of sale and delivery.**—Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

(3) **Prohibition of delivery of other than specified grade.**—Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

(4) **Provision for specific performance.**—Provide that the delivery of cotton under the contract shall not be effected by means of "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

(b) **Incorporation of conditions in contract.**—The provisions of the first, third, and fourth paragraphs of subsection (a) shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "subject to Internal Revenue Code, section 1924."

(c) **Application of section.**—This section shall not be construed to apply to any contract of sale made in compliance with section 1922 or section 1923. (53 Stat. 212.)

#### DERIVATION

Subsections (a), (b) from act Aug. 11, 1916, ch. 313, § 10, 39 Stat. 479.

Subsection (c) from act Aug. 11, 1916, ch. 313, §§ 6 A, 10, 39 Stat. 478-480.

#### SIMILAR PROVISIONS

- 1914—Aug. 18, 1914, ch. 255, 38 Stat. 696.

**§ 1925. Form and validity of contracts.—(a) Form.**—Each contract of sale of cotton for future delivery mentioned in section 1920 (a) of this chapter shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales



the quantity of the cotton involved, without giving the weight, each bale shall, for the purposes of this chapter, be deemed to weigh five hundred pounds.

(b) **Validity.**—No contract of sale of cotton for future delivery mentioned in section 1920 (a) of this chapter, which does not conform to the requirements of subsection (a) and has not the necessary stamps affixed thereto as required by section 1920 (c) shall be enforceable in any court of the United States by, or on behalf of, any party to such contract or his privies. (53 Stat. 213.)

#### DERIVATION

Act Aug. 11, 1916, ch. 313, §§ 4, 12, 39 Stat. 476, 480.

#### SIMILAR PROVISIONS

1914—Aug. 18, 1914, ch. 255, §§ 4, 13, 38 Stat. 692, 697.

§ 1926. **Cotton standards.**—(a) **Source and description.**—Subject to the provisions of section 6 of the Act of March 4, 1923, 42 Stat. 1518 (U. S. C., title 7, § 56), the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this chapter shall be known as the "Official cotton standards of the United States": *Provided*, That any standard of any cotton established and promulgated under this chapter by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That no change or replacement of any standard of any cotton established and promulgated under this chapter by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when same is to become effective.

(b) **Practical forms**—(1) **Preparation, certification and distribution.**—The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

(2) **Disposition of receipts from sales.**—All sums collected by the Secretary of Agriculture for furnishing practical forms under paragraph (1) shall be deposited and covered into the Treasury as miscellaneous receipts. (53 Stat. 213.)

#### DERIVATION

Subsections (a), (b) (1) from act Aug. 11, 1916, ch. 313, § 9, 39 Stat. 479.  
Subsection (b) (2) from act Aug. 11, 1916, ch. 313, § 19, 39 Stat. 481.

#### SIMILAR PROVISIONS

1914—Aug. 18, 1914, ch. 255, § 9, 38 Stat. 696.



**§ 1927. Bona fide spot markets—(a) Definition.**—For the purposes of this chapter the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such, and of which he shall give public notice.

**(b) Determination.**—In determining, pursuant to the provisions of this chapter, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture, to enable him to designate at least five spot markets in accordance with section 1922 (c) of this chapter, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton, of the same or different grades, in the markets selected and designated by him, from time to time, for that purpose, and in that event, differences in value of cotton of various grades involved in contracts made pursuant to section 1922 (a) and (b) shall be determined in compliance with such rules and regulations: *Provided further*, That it shall be the duty of any person engaged in the business of dealing in cotton, when requested by the Secretary of Agriculture or any agent acting under his instructions, to answer correctly to the best of his knowledge, under oath or otherwise, all questions touching his knowledge of the number of bales, the classification, the price or bona fide price offered, and other terms of purchase or sale, of any cotton involved in any transaction participated in by him, or to produce all books, letters, papers, or documents in his possession or under his control relating to such matter. (53 Stat. 214.)

#### DERIVATION

Subsection (a) from act Aug. 11, 1916, ch. 313, § 7, 39 Stat. 478.

Subsection (b) from act Aug. 11, 1916, ch. 313, § 8, 39 Stat. 479, as amended by act Mar. 4, 1919, ch. 125, § 6, 40 Stat. 1352.

#### SIMILAR PROVISIONS

1914—Aug. 18, 1914, ch. 255, §§ 7, 8, 38 Stat. 695.

**§ 1928. Collection and enforcement—(a) Rules and regulations.**—The Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this chapter and otherwise to enforce its provisions.

**(b) Records and returns.**—Further to effect the purpose of subsection (a), the Secretary shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns veri-



fied under oath or otherwise, as will fully and correctly disclose all transactions mentioned in section 1920 (a) of this chapter, including the making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in section 1920 (a) of this chapter to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions; and

(c) **Employment of agents.**—He may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this chapter and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents. (53 Stat. 214.)

#### DERIVATION

Act Aug. 11, 1916, ch. 313, § 13, 39 Stat. 480.

#### SIMILAR PROVISIONS

1914—Aug. 18, 1914, ch. 255, § 14, 38 Stat. 697.

§ 1929. **Penalties**—(a) **In general**—(1) **Nonpayment or evasion of tax.**—Any person liable to the payment of any tax imposed by this chapter who fails to pay, or evades, or attempts to evade the payment of such tax; and

(2) **Other violations.**—Any person who otherwise violates any provisions of this chapter, or any rule or regulation made in pursuance hereof, upon conviction thereof, shall be fined not less than \$100 nor more than \$20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than sixty days nor more than three years, in the discretion of the court.

(b) **Additional.**—In addition to the foregoing punishment there shall be imposed, on account of each violation of this chapter, a penalty of \$2,000, to be recovered in an action founded on this chapter in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys, to whom satisfactory evidence of violations of this chapter is furnished, to institute and prosecute actions for the recovery of the penalties prescribed by this subsection.

(c) **Withholding information.**—Any person engaged in the business of dealing in cotton who shall, within a reasonable time prescribed by the Secretary of Agriculture or any agent acting under his instructions, willfully fail or refuse to answer questions or to produce books, letters, papers, or documents, as required under section 1927 (b), or who shall willfully give any answer that is false or misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$500. (53 Stat. 215.)

#### DERIVATION

Subsection (a) from acts Mar. 4, 1909, ch. 321, § 335, 35 Stat. 1152; Aug. 11, 1916, ch. 313, § 14, 39 Stat. 480, as amended by act Dec. 16, 1930, ch. 15, 46 Stat. 1029.



Subsection (b) from act Aug. 11, 1916, ch. 313, § 15, 39 Stat. 481.

Subsection (c), from acts Aug. 11, 1916, ch. 313, § 8, 49 Stat. 479, as amended by act Mar. 4, 1919, ch. 125, § 6, 40 Stat. 1352; May 31, 1920, ch. 217, § 1, 41 Stat. 725.

#### SIMILAR PROVISIONS

1914—Aug. 18, 1914, ch. 255, §§ 15, 16, 38 Stat. 697.

**§ 1930. Immunity of witnesses.**—No person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this chapter shall withhold his testimony because of complicity by him in any violation of this chapter or of any regulations made pursuant to this chapter, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates. (53 Stat. 215.)

#### DERIVATION

Act Aug. 11, 1916, ch. 313, § 16, 39 Stat. 481.

#### SIMILAR PROVISIONS

1914—Aug. 18, 1914, ch. 255, § 17, 38 Stat. 698.

**§ 1931. Definitions—(a) Contract of sale.**—For the purposes of this chapter the term “contract of sale” shall be held to include sales, agreements of sale, and agreements to sell.

**(b) Person.**—The word “person” wherever used in this chapter, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. (53 Stat. 215.)

#### DERIVATION

Act Aug. 11, 1916, ch. 313, § 2, 39 Stat. 476.

#### SIMILAR PROVISIONS

1914—Aug. 18, 1914, ch. 255, § 2, 38 Stat. 693.

**§ 1932. Liability of principal for acts of agent.**—When construing and enforcing the provisions of this chapter, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person. (53 Stat. 215.)

#### DERIVATION

Act Aug. 11, 1916, ch. 313, § 2, 39 Stat. 476.

#### SIMILAR PROVISIONS

1914—Aug. 18, 1914, ch. 255, § 2, 38 Stat. 693.

**§ 1933. Reports of Secretary of Agriculture.**—The Secretary of Agriculture is directed to publish from time to time the results of investigations made in pursuance of this chapter. (53 Stat. 216.)

#### DERIVATION

Act Aug. 11, 1916, ch. 313, § 19, 39 Stat. 481.

#### SIMILAR PROVISIONS

1914—Aug. 18, 1914, ch. 255, § 20, 38 Stat. 698.



**§ 1934. Other laws applicable.**—The provisions of the internal revenue laws of the United States, so far as applicable, including section 3615 of this title, shall be extended, and made to apply, to this chapter. (53 Stat. 216.)

DERIVATION

Act Aug. 11, 1916, ch. 313, § 13, 39 Stat. 480.

**§ 1935. Operation of State laws.**—The payment of any tax levied by this chapter shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this chapter be held to prohibit any State or municipality from imposing a tax on the same transaction. (53 Stat. 216.)

DERIVATION

Act Aug. 11, 1916, ch. 313, § 17, 39 Stat. 481.

SIMILAR PROVISIONS

1914—Aug. 18, 1914, ch. 255, 38 Stat. 698.

**OLEOMARGARINE, ADULTERATED BUTTER, AND PROCESS OR  
RENOVATED BUTTER**

**§ 2300. Oleomargarine defined.**—For the purposes of this chapter, and of sections 3200 and 3201, certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as “oleomargarine,” namely: All substances known prior to August 2, 1886, as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish oil or fish fat, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat;—if (1) made in imitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter, or (3) churned, emulsified, or mixed in cream, milk, water, or other liquid, and containing moisture in excess of 1 per centum or common salt. This section shall not apply to puff-pastry shortening not churned or emulsified in milk or cream, and having a melting point of one hundred and eighteen degrees Fahrenheit or more, nor to any of the following containing condiments and spices: salad dressings, mayonnaise dressings, or mayonnaise products nor to liquid emulsion, pharmaceutical preparations, oil meals, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds. (53 Stat. 247.)

DERIVATION

Act Aug. 2, 1886, ch. 840, § 2, 24 Stat. 209, as amended by act July 10, 1930, ch. 882, § 1, 46 Stat. 1022.

**§ 2301. Tax—(a) Rate.**—(1) Upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax at the rate of one-fourth



of 1 cent per pound; except that such tax shall be at the rate of 10 cents per pound in the case of oleomargarine which is yellow in color.

(2) For the purposes of paragraph (1), oleomargarine shall be held to be yellow in color when it has a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in the terms of the Lovibond tintometer scale or its equivalent. Such measurements shall be made under regulations prescribed by the Commissioner, with the approval of the Secretary, and such regulations shall provide that the measurements shall be applied in such manner and under such conditions as will, in the opinion of the Commissioner, insure as nearly as practicable that the result of the measurement will show the color of the oleomargarine under the conditions under which it is customarily offered for sale to the consumer.

(b) **By whom paid.**—The tax levied by subsection (a) shall be paid by the manufacturer.

(c) **How paid—(1) Stamps.**—The tax levied by subsection (a) shall be represented by coupon stamps.

(2) **Assessment.**—Whenever any manufacturer of oleomargarine sells, or removes for sale or consumption, any oleomargarine upon which the tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner, subject to the limitations prescribed in section 3312, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

**(d) Special tax.**

For special tax on manufacturers, wholesale and retail dealers, see section 3200.

**(e) Imported oleomargarine.**

For tax on imported oleomargarine, see section 2306.

(53 Stat. 248.)

DERIVATION

Subsections (a)-(c) (1) from act Aug. 2, 1886, ch. 840, § 8, 24 Stat. 210, as amended by acts May 9, 1902, ch. 784, § 3, 32 Stat. 194, and Mar. 4, 1931, ch. 520, § 2, 46 Stat. 1549.

Subsection (c) (2) from acts Aug. 2, 1886, ch. 840, § 9, 24 Stat. 211; Feb. 26, 1926, ch. 27, § 1109 (a), 44 Stat. 114.

§ 2302. **Manufacturers—(a) Definition.**—Every person who manufactures oleomargarine for sale shall be deemed a manufacturer of oleomargarine. And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any substance which causes such oleomargarine to be yellow in color, determined as provided in paragraph 2 of section 2301 (a), shall also be held to be a manufacturer of oleomargarine within the meaning of this chapter or section 3200 or 3201 of chapter 27, and subject to the provisions thereof.



**(b) Packing requirements—(1) Kind and weight of packages.**

All oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden, tin-plate, or paper packages, not before used for that purpose, containing, or encased in a manufacturer's package made from any of such materials of, not less than ten pounds.

**(2) Marks and stamps.**—The packages described in paragraph (1) shall be marked, stamped, and branded as the Commissioner, with the approval of the Secretary, shall prescribe; and all sales made by manufacturers of oleomargarine shall be in original stamped packages.

**(3) Caution label.**—Every manufacturer of oleomargarine shall securely affix, by pasting, on each package containing oleomargarine manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "NOTICE.—The manufacturer of the oleomargarine herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases."

**(c) Books and returns.**—Every manufacturer of oleomargarine shall file with the collector of the district in which his manufactory is located such notices, inventories, shall keep such books, and render such returns of materials and products, and conduct his business under such surveillance of officers and agents as the Commissioner, with the approval of the Secretary, may, by regulation, require.

**(d) Factory number and signs.**—Every manufacturer of oleomargarine shall put up such signs and affix such number to his factory as the Commissioner, with the approval of the Secretary, may, by regulation, require.

**(e) Bonds.**—Every manufacturer of oleomargarine shall file with the collector of the district in which his manufactory is located such bonds as the Commissioner, with the approval of the Secretary, may, by regulation, require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector, and in a penal sum of not less than \$5,000; and the sum of said bond may be increased from time to time, and additional sureties required at the discretion of the collector, or under instructions of the Commissioner. (53 Stat. 248.)

**DERIVATION**

Subsection (a) from acts Aug. 2, 1886, ch. 840, § 3, 24 Stat. 209, as amended by act May 9, 1902, ch. 784, § 2, 32 Stat. 194; Mar. 4, 1931, ch. 520, § 1, 46 Stat. 1549.

Subsection (b) (1, 2) from acts Aug. 2, 1886, ch. 840, § 6, 24 Stat. 210, as amended by act Oct. 1, 1918, ch. 178, 40 Stat. 1008; Feb. 24, 1933, ch. 116, § 1, 47 Stat. 902.

Subsection (b) (3) from act Aug. 2, 1886, ch. 840, § 7, 24 Stat. 210.

Subsections (c)-(e) from act Aug. 2, 1886, ch. 840, § 5, 24 Stat. 210.

**§ 2303. Wholesale dealers—(a) Definition.**—Every person who sells or offers for sale oleomargarine in the original manufacturer's packages shall be deemed a wholesale dealer in oleomargarine.



(b) **Selling requirements.**—All sales made by wholesale dealers in oleomargarine shall be in original stamped packages.

(c) **Books and returns.**—Wholesale dealers in oleomargarine shall keep such books and render such returns in relation thereto as the Commissioner, with the approval of the Secretary, may, by regulation, require; and such books shall be open at all times to the inspection of any internal revenue officer or agent. (53 Stat. 249.)

#### DERIVATION

Subsection (a) from act Aug. 2, 1886, ch. 840, § 3, 24 Stat. 209.

Subsection (b) from act Aug. 2, 1886, ch. 840, § 6, 24 Stat. 810, as amended by act Oct. 1, 1918, ch. 178, 40 Stat. 1008; Feb. 24, 1933, ch. 116, § 1, 47 Stat. 902.

Subsection (c) from act May 9, 1902, ch. 784, § 6, 32 Stat. 197.

§ 2304. **Retail dealers—(a) Definition.**—Every person who sells oleomargarine in less quantities than ten pounds at one time shall be regarded as a retail dealer in oleomargarine.

(b) **Packing and selling requirements.**—Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding ten pounds, and shall pack, or cause to be packed, the oleomargarine sold by them in suitable wooden, tinplate, or paper packages which shall be marked and branded as the Commissioner, with the approval of the Secretary, shall prescribe. (53 Stat. 249.)

#### DERIVATION

Subsection (a) from act Aug. 2, 1886, ch. 840, § 3, 24 Stat. 209.

Subsection (b) from act Aug. 2, 1886, ch. 840, § 6, 24 Stat. 210, as amended by acts Oct. 1, 1918, ch. 178, 40 Stat. 1008 and Feb. 24, 1933, ch. 116, § 1, 47 Stat. 902.

§ 2305. **Stamps on emptied packages.**—Whenever any stamped package containing oleomargarine is emptied, it shall be the duty of the person in whose hands the same is to destroy utterly the stamps thereon. Any revenue officer may destroy any emptied oleomargarine package upon which the tax-paid stamp is found. (53 Stat. 249.)

#### DERIVATION

Act Aug. 2, 1886, ch. 840, § 13, 24 Stat. 211.

§ 2306. **Importation.**—All oleomargarine imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal revenue tax of 15 cents per pound, such tax to be represented by coupon stamps as in the case of oleomargarine manufactured in the United States. The stamps shall be affixed and canceled by the owner or importer of the oleomargarine while it is in the custody of the proper customhouse officers; and the oleomargarine shall not pass out of the custody of said officers until the stamps have been so affixed and cancelled, but shall be put up in wooden packages, each containing not less than ten pounds, as prescribed in this chapter for oleomargarine manufactured in the United States, before the stamps are affixed; and the owner or importer of such oleomargarine shall be liable to all the penal provisions of this chapter prescribed for manufacturers of oleomargarine manufactured in the United States. Whenever it is necessary to take any



oleomargarine so imported to any place other than the public stores of the United States for the purpose of affixing and cancelling such stamps, the collector of customs of the port where such oleomargarine is entered shall designate a bonded warehouse to which it shall be taken, under the control of such customs officer as such collector may direct. (53 Stat. 250.)

#### DERIVATION

Act Aug. 2, 1886, ch. 840, § 10, 24 Stat. 211.

§ 2307. **Exportation.**—Oleomargarine may be removed from the place of manufacture for export to a foreign country without payment of tax or affixing stamps thereto, under such regulations and the filing of such bonds and other security as the Commissioner, with the approval of the Secretary, may prescribe. Every person who shall export oleomargarine shall brand upon every tub, firkin, or other package containing such article the word "Oleomargarine," in plain Roman letters not less than one-half inch square. (53 Stat. 250.)

#### DERIVATION

Act Aug. 2, 1886, ch. 840, § 16, 24 Stat. 212.

§ 2308. **Penalties—(a) False branding; selling, packaging, or stamping in violation of law.**—Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden, tin-plate, or paper packages as described in section 2302 (b) (1) and (2) or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law shall be fined for each offense not more than \$1,000, and be imprisoned not more than two years.

(b) **Omission or removal of label.**—Every manufacturer of oleomargarine who neglects to affix the label described in section 2302 (b) (3) to any package containing oleomargarine made by him, or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined \$50 for each package in respect to which such offense is committed.

(c) **Removal or defacement of stamps, marks, or brands.**—Any person who shall willfully remove or deface the stamps, marks, or brands on a package containing oleomargarine taxed as provided in this subchapter shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$100 nor more than \$2,000, and by imprisonment for not less than thirty days nor more than six months.

(d) **Fraud by manufacturers.**—Whenever any person engaged in carrying on the business of manufacturing oleomargarine defrauds, or attempts to defraud, the United States of the tax on the oleomargarine produced by him, or any part thereof, he shall be fined not less than \$500 nor more than \$5,000, and be imprisoned not less than six months, nor more than three years.

(e) **Purchasing when not properly branded or stamped.**—Every person who knowingly purchases or receives for sale



any oleomargarine which has not been branded or stamped according to law shall be liable to a penalty of \$50 for each such offense.

**(f) Purchasing from manufacturer who has not paid special tax.**—Every person who knowingly purchases or receives for sale any oleomargarine from any manufacturer who has not paid the special tax required under subsection (a) of section 3200 of chapter 27 shall be liable for each offense to a penalty of \$100.

**(g) Empty packages—(1) Failure to destroy stamps.**—Any person who willfully neglects or refuses to destroy utterly the stamps on any empty package which contained oleomargarine shall for each such offense be fined not exceeding \$50, and imprisoned not less than ten days nor more than six months; and

**(2) Trafficking.**—Any person who fraudulently gives away or accepts from another, or who sells, buys, or uses for packing oleomargarine, any such stamped package, shall for each such offense be fined not exceeding \$100, and be imprisoned not more than one year.

**(h) Failure of wholesale dealers to keep or permit inspection of books, or to render returns.**—Any person who willfully violates any of the provisions of subsection (c) of section 2303 shall for each such offense be fined not less than \$50 and not exceeding \$500, and imprisoned not less than thirty days nor more than six months.

**(i) Imported oleomargarine—(1) Failure of customs officer to comply with law.**—Every officer of customs who permits any imported oleomargarine to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of section 2306 relating thereto, shall be fined not less than \$1,000 nor more than \$5,000, and imprisoned not less than six months nor more than three years.

**(2) Sale when improperly packed or stamped.**—Every person who sells or offers for sale any imported oleomargarine, or oleomargarine purporting or claimed to have been imported, not put up in packages and stamped as provided by this subchapter, shall be fined not less than \$500 nor more than \$5,000, and be imprisoned not less than six months nor more than two years.

**(j) Offenses not specifically covered.**—If any manufacturer of oleomargarine, any dealer therein or any importer or exporter thereof shall knowingly or willfully omit, neglect, or refuse to do, or cause to be done, any of the things required by law in the carrying on or conducting of his business, or shall do anything by this subchapter or chapter 27 prohibited, if there be no specific penalty or punishment imposed by any other provision of this subchapter or chapter 27 for the neglecting, omitting, or refusing to do, or for the doing or causing to be done, the things required or prohibited, he shall pay a penalty of \$1,000. (53 Stat. 250.)

#### DERIVATION

Subsection (a) from act Aug. 2, 1886, ch. 840, § 6, 24 Stat. 210, as amended by act Feb. 24, 1933, ch. 116, § 1, 47 Stat. 902. Act Aug. 2, 1886, ch. 840, § 6, was also amended by act Oct. 1, 1918, ch. 178, 40 Stat. 1008.

Subsections (b)-(g) from act Aug. 2, 1886, ch. 840, §§ 7, 15, 17, 11, 12, 13, 24 Stat. 210, 212, 211.

Subsection (h) from act May 9, 1902, ch. 784, § 6, 32 Stat. 197.



Subsection (i) (1) from acts Aug. 2, 1886, ch. 840, § 10, 24 Stat. 211; Mar. 4, 1909, ch. 321, § 335, 35 Stat. 1152, as amended by act Dec. 16, 1930, ch. 15, 46 Stat. 1029.

Subsections (i) (2), (j) from act Aug. 2, 1886, ch. 840, §§ 10, 18, 24 Stat. 211, 212.

#### SIMILAR PROVISIONS

Provisions similar to subsection (h) were contained in act Oct. 1, 1890, ch. 1244, § 41, 26 Stat. 621.

**§ 2309. Forfeitures—(a) Special tax on manufacturer unpaid.**—Every person who knowingly purchases or receives for sale any oleomargarine from any manufacturer who has not paid the tax required under subsection (a) of section 3200 shall be liable for each offense to a forfeiture of all articles so purchased or received, or of the full value thereof.

**(b) Packages unstamped, unmarked, or deleterious.**—All packages of oleomargarine subject to tax under this subchapter, that shall be found without stamps or marks as herein provided, and all oleomargarine intended for human consumption which contains ingredients adjudged, as provided in section 2311, to be deleterious to the public health, shall be forfeited to the United States.

**(c) Fraud by manufacturer.**—Whenever any person engaged in carrying on the business of manufacturing oleomargarine defrauds, or attempts to defraud, the United States of the tax on the oleomargarine produced by him, or any part thereof, he shall forfeit the factory and manufacturing apparatus used by him, and all oleomargarine and all raw material for the production of oleomargarine found in the factory and on the factory premises.

**(d) Offenses not specifically covered.**—If any manufacturer of or wholesale dealer in oleomargarine shall knowingly or willfully omit, neglect, or refuse to do, or cause to be done, any of the things required by law in the carrying on or conducting of his business, or shall do anything by this subchapter or chapter 27 prohibited, all the oleomargarine owned by him, or in which he has any interest as owner, shall be forfeited to the United States. (53 Stat. 251.)

#### DERIVATION

Act Aug. 2, 1886, ch. 840, §§ 12, 15, 17, 18, 24 Stat. 211, 212.

**§ 2310. Recovery of penalties and forfeitures.**—All fines, penalties, and forfeitures imposed by this subchapter or section 3201 may be recovered in any court of competent jurisdiction. (53 Stat. 252.)

#### DERIVATION

Act Aug. 2, 1886, ch. 840, § 19, 24 Stat. 212.

**§ 2311. Commissioner's decisions.—(a) Taxability.**—The Commissioner is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed under this subchapter; and his decision in matters of taxation under this subchapter shall be final.

**(b) Deleterious ingredients.**—The Commissioner may also decide whether any substance made in imitation or semblance of



butter, and intended for human consumption, contains ingredients deleterious to the public health.

**(c) Appeal.**—In case of doubt or contest the decisions of the Commissioner in the class of cases under subsection (b) may be appealed from to a board constituted for the purpose, and composed of the Surgeon General of the Army, the Surgeon General of the Navy, and the Secretary of Agriculture; and the decisions of this board shall be final in the premises. (53 Stat. 252.)

#### DERIVATION

Act Aug. 2, 1886, ch. 840, § 14, 24 Stat. 212, as amended by act Feb. 9, 1889, ch. 122, 25 Stat. 659.

### § 2312. Chemists and microscopists.

For the appointment and employment of chemists and microscopists, see subchapter E of chapter 39. (53 Stat. 252.)

**§ 2313. Tobacco stamp laws applicable.**—The provisions of law governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, shall apply to stamps provided for by section 2301 (c) (1). (53 Stat. 252.)

#### DERIVATION

Act Aug. 2, 1886, ch. 840, § 8, 24 Stat. 210, as amended acts May 9, 1902, ch. 784, § 3, 32 Stat. 194, and Mar. 4, 1931, ch. 520, § 2, 46 Stat. 1550.

### § 2314. Regulations.

For authority of the Commissioner, with the approval of the Secretary, to make all needful regulations for the carrying into effect of this subchapter and sections 3200 and 3201, see section 3791. (53 Stat. 252.)

## SUBCHAPTER B.—ADULTERATED AND PROCESS OR RENOVATED BUTTER

**§ 2320. Definitions—(a) Butter.**—For the purpose of this chapter and sections 3206, and 3207, the word “butter” shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

**(b) Adulterated butter.**—“Adulterated butter” is defined to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter or butter fat, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, or any butter or butter fat with which there is mixed any substance foreign to butter as defined in subsection (a), with intent or effect of cheapening in cost the product or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream.

**(c) Process or renovated butter.**—“Process butter” or “renovated butter” is defined to mean butter which has been subjected to any process by which it is melted, clarified or refined and made to resemble genuine butter, always excepting “adulterated butter” as defined by subsection (b). (53 Stat. 252.)



## DERIVATION

Subsection (a) from acts Aug. 2, 1886, ch. 840, § 1, 24 Stat. 209; May 9, 1902, ch. 784, § 4, 32 Stat. 194.

Subsections (b), (c) from act May 9, 1902, ch. 784, § 4, 32 Stat. 194.

**§ 2321. Tax—(a) Rate—(1) Adulterated butter.**—Upon adulterated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, and any fractional part of a pound shall be taxed as a pound.

**(2) Process or renovated butter.**—Upon process or renovated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of 1 cent per pound, and any fractional part of a pound shall be taxed as a pound.

**(b) By whom paid.**—The tax to be levied by subsection (a) shall be paid by the manufacturer.

**(c) How paid—(1) Stamps.**—The tax to be levied by subsection (a) shall be represented by coupon stamps.

**(2) Assessment.**

For assessment in case of omitted taxes, see section 3311.

**(d) Special tax—(a) Manufacturers of adulterated and process or renovated butter.**

For special tax on manufacturers of adulterated and process or renovated butter, see subsections (b) and (c) of section 3206. (53 Stat. 253.)

**(2) Wholesale dealers and retail dealers in adulterated butter.**

For special tax on wholesale dealers and retail dealers in adulterated butter, see subsections (b) and (c) of section 3206. (53 Stat. 253.)

## DERIVATION

Act May 9, 1902, ch. 784, § 4, 32 Stat. 196.

**§ 2322. Manufacturers—(a) Definition.**—Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

**(b) Packing, stamping, and selling requirements—(1) Adulterated butter.**—All adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden, tin-plate, or paper packages not before used for that purpose, containing, or encased in a manufacturer's package made from any of such materials of, not less than ten pounds, and marked, stamped, and branded as the Commissioner, with the approval of the Secretary, shall prescribe, and all sales made by manufacturers of adulterated butter shall be in original, stamped packages. Every manufacturer of adulterated butter shall securely affix, by pasting, on each package containing adulterated butter manufactured by him a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "NOTICE.—That the manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases."



## (2) Process or renovated butter.

For marking process or renovated butter, see section 2325.

(c) **Books and returns.**—Every manufacturer of process or renovated butter or adulterated butter shall file with the collector of the district in which his manufactory is located such notices and inventories, shall keep such books and render such returns of material and products, and conduct his business under such surveillance of officers and agents as the Commissioner, with the approval of the Secretary, may by regulation require.

(d) **Factory number and signs.**—Every manufacturer of process or renovated butter or adulterated butter shall put up such signs and affix such number to his factory as the Commissioner, with the approval of the Secretary, may by regulation require.

(e) **Bonds.**—Every manufacturer of process or renovated butter or adulterated butter shall file with the collector of the district in which his manufactory is located such bonds as the Commissioner, with the approval of the Secretary, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector, and in a penal sum of not less than \$500; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner. (53 Stat. 253.)

### DERIVATION

Act May 9, 1902, ch. 784, § 4, 32 Stat. 195, 196, as amended by act Feb. 24, 1933, ch. 116, § 2 (a), 47 Stat. 902.

§ 2323. **Dealers in adulterated butter—(a) Dealer defined.**—Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter.

(b) **Retail dealer defined.**—Every person who sells adulterated butter in less quantities than ten pounds at one time shall be regarded as a retail dealer in adulterated butter.

(c) **Selling requirements.**—Dealers in adulterated butter must sell only original or from original stamped packages, and when such original stamped packages are broken the adulterated butter sold from same shall be placed in suitable wooden, tin-plate, or paper packages, which shall be marked and branded as the Commissioner, with the approval of the Secretary, shall prescribe. (53 Stat. 254.)

### DERIVATION

Act May 9, 1902, ch. 784, § 4, 32 Stat. 195, as amended by act Feb. 24, 1933, ch. 116, § 2 (b), 47 Stat. 903.

§ 2324. **Books and returns of wholesale dealers in adulterated and process or renovated butter.**—Wholesale dealers in process, renovated, or adulterated butter shall keep such books and render such returns in relation thereto as the Commissioner, with the approval of the Secretary, may, by regulation, require; and such books shall be open at all times to the inspection of any internal revenue officer or agent. (53 Stat. 254.)

### DERIVATION

Act May 9, 1902, ch. 784, § 6, 32 Stat. 197.



**§ 2325. Inspection, manufacture, storage, and marking of process or renovated butter.**—The Secretary of Agriculture is authorized and required to cause a rigid sanitary inspection to be made, at such times as he may deem proper or necessary, of all factories and storehouses where process or renovated butter is manufactured, packed, or prepared for market, and of the products thereof and materials going into the manufacture of the same. All process or renovated butter and the packages containing the same shall be marked with the words "Renovated Butter" or "Process Butter" and by such other marks, labels, or brands and in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section. The Secretary of Agriculture shall make all needful regulations for carrying this section and sections 2326 (c) and 2327 (b) into effect and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made. And he shall also have power to ascertain whether or not materials used in the manufacture of said process or renovated butter are deleterious to health or unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States or in course of exportation or shipment he shall have power to confiscate the same. (53 Stat. 254.)

DERIVATION

Act May 9, 1902, ch. 784, § 5, 32 Stat. 196.

**§ 2326. Penalties—(a) Adulterated butter—(1) False branding; sale, packing, or stamping in violation of law.**—Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter in any other form than in new wooden, tin-plate, or paper packages as described in subsection (c) of section 2323, or who packs in any package any adulterated butter in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000 and be imprisoned not more than two years.

**(2) Omission or removal of label.**—Every manufacturer of adulterated butter who neglects to affix the label required under paragraph (1) of subsection (b) of section 2322 to any package containing adulterated butter made by him, or sold or offered for sale for or by him, and every person who removes any such label so affixed from any such package shall be fined \$50 for each package in respect to which such offense is committed.

**(b) Failure of wholesale dealers to keep or permit inspection of books, or to render returns.**—Any person who willfully violates any of the provisions of section 2324 shall for each such offense be fined not less than \$50 and not exceeding \$500, and imprisoned not less than thirty days nor more than six months.



**(c) Failure to comply with provisions relating to the manufacture, storage, and marking of process or renovated butter.**—Any person, firm, or corporation violating any of the provisions of section 2325 shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment not less than one month nor more than six months, or by both said punishments, in the discretion of the court. (53 Stat. 255.)

#### DERIVATION

Act May 9, 1902, ch. 784, §§ 4-6, 32 Stat. 196, 197, as amended by act Feb. 24, 1933, ch. 116, § 2 (b), 47 Stat. 903.

**§ 2327. Other laws applicable—(a) Oleomargarine.**—The provisions of sections 2301 (c) (2), 2305 to 2311 inclusive (except subsections (a), (b), and (h) of section 2308), and section 3791 (a) (1), shall apply to manufacturers of adulterated butter to an extent necessary to enforce the marking, branding, identification, and regulation of the exportation and importation of adulterated butter.

**(b) Inspection of live cattle and meat.**—All parts of an act providing for an inspection of meats for exportation, approved August 30, 1890, ch. 839, 26 Stat. 414, and of an Act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, approved March 3, 1891, ch. 555, 26 Stat. 1089, and of amendment thereto approved March 2, 1895, ch. 169, § 1, 28 Stat. 732, which are applicable to the subjects and purposes described in section 2325 shall apply to process or renovated butter.

**(c) Slaughtering and meat canning.**—The sanitary provisions for slaughtering, meat canning, or similar establishments as set forth in the act of June 30, 1906, ch. 3913, 34 Stat. 676, shall be extended to cover renovated butter factories as defined in this subchapter, under such regulations as the Secretary of Agriculture may prescribe.

**(d) Tobacco and snuff.**—The provisions of law governing the engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, shall apply to the stamps provided in section 2321 (c) (1). (53 Stat. 255.)

#### DERIVATION

Subsections (a), (b) from act May 9, 1902, ch. 784, §§ 4, 5, 32 Stat. 196.

Subsection (c) from act Aug. 10, 1912, ch. 284, 37 Stat. 273.

Subsection (d) from act May 9, 1902, ch. 784, § 4, 32 Stat. 194.

#### FILLED CHEESE

**§ 2350. Definitions.**—For the purpose of this chapter and sections 3210 and 3211—

**(a) Cheese.**—The word “cheese” shall be understood to mean the food product known as cheese, and which is made from milk or cream and without the addition of butter, or any animal, vegetable, or other oils or fats foreign to such milk or cream, with or without additional coloring matter.

**(b) Filled cheese.**—Certain substances and compounds shall be known and designated as “filled cheese,” namely: All substances



made of milk or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils or compounds foreign to such milk, and made in imitation or semblance of cheese. Substances and compounds, consisting principally of cheese with added edible oils, which are not sold as cheese or as substitutes for cheese but are primarily useful for imparting a natural cheese flavor to other foods shall not be considered "filled cheese" within the meaning of this chapter. (53 Stat. 256.)

#### DERIVATION

Subsection (a) from act June 6, 1896, ch. 337, § 1, 29 Stat. 253.

Subsection (b) from act June 6, 1896, ch. 337, § 2, 29 Stat. 253, as amended by act May 28, 1938, ch. 289, § 706, 52 Stat. 571.

**§ 2360. Commissioner's decisions—(a) Deleterious ingredients.**—The Commissioner is authorized to have applied scientific tests, and to decide whether any substances used in the manufacture of filled cheese contain ingredients deleterious to health.

**(b) Appeal.**—In case of doubt or contest the decision of the Commissioner in the class of cases referred to in subsection (a) may be appealed from to a board constituted for the purpose, and composed of the Surgeon General of the Army, the Surgeon General of the Navy, and the Secretary of Agriculture, and the decision of this board shall be final in the premises. (53 Stat. 259.)

#### DERIVATION

Act June 6, 1896, ch. 337, § 15, 29 Stat. 256.

#### NARCOTICS

#### § 2558. Forfeitures.

\* \* \* \* \*

**(b) Seized opium—Confiscation and disposal—(1) Procedure.**—All opium, coca leaves, isonipecaine, and all salts, derivatives, and preparations of opium, coca leaves and isonipecaine, seized by the United States Government from any person or persons charged with any violation of this chapter or part V of subchapter A of chapter 27, or the Act of February 9, 1909, ch. 100, 35 Stat. 614 as amended by the act of Jan. 17, 1914, ch. 9, 38 Stat. 275, the Act of May 26, 1922 (ch. 202, 42 Stat., 596), the Act of June 7, 1924, (ch. 352, 43 Stat. 657), and the Act of June 14, 1930 (ch. 488, 46 Stat. 586) (U. S. C., Title 21, §§ 171-184), shall upon conviction of the person or persons from whom seized be confiscated by and forfeited to the United States; and the Secretary is authorized to deliver for medical or scientific purposes to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulation as may be prescribed by the Secretary, any of the drugs so seized, confiscated, and forfeited to the United States. The provisions of this paragraph shall also apply to any of the aforesaid drugs seized or coming into the possession<sup>1</sup> of the United States in the enforcement of this chapter, part V of subchapter A of chapter 27, or any of the above mentioned acts where the owner or owners thereof are unknown. None of the aforesaid drugs coming into possession<sup>1</sup> of the United States



under the operation of said chapter, part, or acts, or the provision of this paragraph, shall be destroyed without certification by a committee appointed by the Secretary that they are of no value for medical or scientific purposes.

\* \* \* \* \*

(d) **Disposal.**—The Secretary is hereby directed to destroy any marihuana confiscated by and forfeited to the United States under this section or to deliver such marihuana to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulations as may be prescribed by the Secretary. (53 Stat. 282; July 1, 1944, ch. 377, § 4, 58 Stat. 721.)

### MANUFACTURERS' EXCISE TAX

§ 3400. **Tax on tires and inner tubes—(a) Tax.**—There shall be imposed upon the following articles sold by the manufacturer, producer, or importer, a tax at the following rates:

(1) Tires wholly or in part of rubber, 5 cents a pound on total weight (exclusive of metal rims or rib bases), to be determined under regulations prescribed by the Commissioner with the approval of the Secretary.

(2) Inner tubes (for tires) wholly or in part of rubber, 9 cents a pound on total weight, to be determined under regulations prescribed by the Commissioner with the approval of the Secretary.

(b) **Floor stocks tax.**—Upon tires and inner tubes subject to tax under subsection (a) of the type used on vehicles subject to tax under section 3403 (a) or (b) which on October 1, 1941, are held for sale by any person there shall be levied, assessed, collected, and paid a floor stocks tax at the rate of 2½ cents per pound in the case of tires and 4½ cents per pound in the case of inner tubes. The tax shall apply to tires and inner tubes held for sale on, or in connection with, or held for use in the manufacture or production of, articles the sale of which will be subject to tax under section 3403 (a) or (b). The tax shall not apply to tires and inner tubes held for sale by the manufacturer, producer or importer thereof, and to tires and inner tubes the sale of which will be subject under the provisions of sections 3444 (a) (2) and 3445 to the manufacturers' tax on tires and inner tubes.

(c) **Definition.**—For the purposes of this chapter, the term "rubber" includes synthetic and substitute rubber. (As amended Sept. 20, 1941, 12:15 p.m., E.S.T., ch. 412, title V, § 535, 55 Stat. 709; Feb. 25, 1944, 12:49 p.m., E.W.T., ch. 63, title III, § 306, 58 Stat. 64.)

§ 3403. **Tax on automobiles, etc.**—There shall be imposed upon the following articles sold by the manufacturer, producer, or importer, a tax equivalent to the following percentages of the price for which so sold:

(a) Automobile truck chassis, automobile truck bodies, automobile bus chassis, automobile bus bodies, truck and bus trailer and semitrailer chassis, truck and bus trailer and semitrailer bodies, tractors of the kind chiefly used for highway transporta-



tion in combination with a trailer or semitrailer (including in each of the above cases parts or accessories therefor sold on or in connection therewith or with the sale thereof), 5 per centum. A sale of an automobile truck, bus, or truck or bus trailer or semitrailer, shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body.

(b) Other automobile chassis and bodies, chassis and bodies for trailers or semitrailers suitable for use in connection with passenger automobiles, and motorcycles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof), except tractors, 7 per centum. A sale of an automobile, trailer, or semitrailer shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body.

(c) Parts or accessories (other than tires and inner tubes and other than radios) for any of the articles enumerated in subsection (a) or (b), 5 per centum. For the purposes of this subsection and subsections (a) and (b), spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in subsection (a) or (b), shall be considered parts or accessories for such articles, whether or not primarily adapted for such use. This subsection shall not apply to chassis or bodies for automobile trucks or other automobiles. Under regulations prescribed by the Commissioner, with the approval of the Secretary, the tax under this subsection shall not apply in the case of sales of parts or accessories by the manufacturer, producer, or importer to a manufacturer or producer of any of the articles enumerated in subsection (a) or (b). If any such parts or accessories are resold by such vendee otherwise than on or in connection with the sale of, an article enumerated in subsection (a) or (b) and manufactured or produced by such vendee, then for the purposes of this section the vendee shall be considered the manufacturer or producer of the parts or accessories so resold.

(d) Under regulations prescribed by the Commissioner, with the approval of the Secretary, the tax under subsection (a) or (b) shall not apply in the case of sales of bodies by the manufacturer, producer, or importer to a manufacturer or producer of automobile trucks or other automobiles to be sold by such vendee. For the purposes of subsection (a) or (b) such vendee shall be considered the manufacturer or producer of such bodies.

(e) If tires or inner tubes on which tax has been imposed under this chapter are sold on or in connection with, or with the sale of, a chassis, body, or motorcycle, there shall (under regulations prescribed by the Commissioner, with the approval of the Secretary) be credited against the tax under this section an amount equal to, in the case of an article taxable under subsection (a), 5 per centum, and in the case of an article taxable under subsection (b), 7 per centum—

(1) of the purchase price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) if such tires or inner tubes were taxable under section 3400 (relating



to tax on tires, inner tubes, or automobile radios) or, in the case of automobile radios, if such radios were taxable under section 3404; or

(2) if such tires, inner tubes, or automobile radios were taxable under section 3444 (relating to use by manufacturer, producer, or importer) then of the price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) at which such or similar tires, inner tubes, or automobile radios are sold, in the ordinary course of trade, by manufacturers, producers, or importers thereof, as determined by the Commissioner. In lieu of the rates of credit of 5 per centum and 7 per centum above provided, the rates, respectively, for the following periods, shall be as follows:

(A) With respect to the period after June 30, 1940, and before the effective date of the increase in tax on automobiles made by the Revenue Act of 1941,<sup>1</sup> 2½ per centum and 3½ per centum; and

(B) With respect to the period before July 1, 1940, 2 per centum and 3 per centum. (53 Stat. 410; June 29, 1939, 10 p. m., E.S.T., ch. 419, title II, §§ 209, 216, 54 Stat. 522, 526; Sept. 20, 1941, 12:15 p.m., E.S.T., ch. 412, title V, §§ 544, 553 (d), 55 Stat. 711, 721.)

**§ 3404. Tax on radio receiving sets, phonographs, phonograph records, and musical instruments.**—There shall be imposed upon the following articles including in each case, except in the case of musical instruments, parts or accessories therefor sold on or in connection with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to 10 per centum of the price for which sold:

(a) Radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs.

(b) Chassis, cabinets, tubes, reproducing units, power packs, antennae of the "built-in" type, and phonograph mechanisms, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in subsection (a), whether or not primarily adapted for such use.

(c) Phonograph records.

(d) Musical instruments. (As amended Sept. 20, 1941, 12:15 p.m., E. S. T., ch. 412, title V, § 545, 55 Stat. 712.)

**§ 3405. Tax on mechanical refrigerators and self-contained air-conditioning units.**—There shall be imposed on the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to 10 per centum of the price for which sold:

(a) **Refrigerators.**—Household type refrigerators (for single or multiple cabinet installations) having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline.

(b) **Refrigerating apparatus.**—Cabinets, compressors, condensers, evaporators, expansion units, absorbers, and controls for, or suitable for use as parts of or with, household type refrigerators of the kind described in subsection (a) except when sold



as component parts of complete refrigerators or refrigerating or cooling apparatus.

(c) **Air-conditioners.**—Self-contained air-conditioning units. (53 Stat. 412; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 546, 55 Stat. 713; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 614, 58 Stat. 978.)

§ 3406. **Excise taxes imposed by the Revenue Act of 1941—(a) Imposition.**—There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

\* \* \* \* \*

(2) **Luggage.**—Trunks, valises, traveling bags, suitcases, hat boxes for use by travelers, fitted toilet cases (not including contents), and other traveler's luggage, and leather and imitation leather brief cases, 10 per centum. The tax imposed by this paragraph shall not be applicable with respect to any period for which a tax is imposed under section 1651.

(3) **Electric, gas, and oil appliances.**—Electric direct motor-driven fans and air circulators; electric, gas, or oil water heaters; electric flat irons; electric air heaters (not including furnaces); electric immersion heaters; electric heating pads and blankets; electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises; and electric mixers, whippers, and juicers; 10 per centum.

(4) **Photographic apparatus.**—Cameras (except cameras weighing more than four pounds exclusive of lens and accessories) and lenses, photographic apparatus and equipment, and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures or in developing, printing, or enlarging photographs or motion pictures, 25 per centum; unexposed photographic films (including motion picture films but not including X-ray film), photographic plates and sensitized paper, 15 per centum.

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(6) **Business and store machines.**—Adding machines, addressing machines, autographic registers, bank proof machines, billing machines, bookkeeping machines, calculating machines, card punching machines, cash registers, except cash registers of the type used in registering over-the-counter retail sales, change making machines, check writing machines, check signing machines, check canceling machines, check perforating machines, check cutting machines, check dating machines, other check protector machine devices, computing machines, coin counters, dictographs, dictating machine record shaving machines, dictating machines, duplicating machines, embossing machines, envelope opening machines, erasing machines, folding machines, fanfold machines, fare registers, fare boxes, listing machines, line-a-time and similar machines, mailing machines, multigraph machines, multigraph typesetting machines, multigraph type



justifying machines, numbering machines, portable paper fastening machines, pay roll machines, pencil sharpeners, postal permit mailing machines, punch card machines, sorting machines, stencil cutting machines, shorthand writing machines, sealing machines, tabulating machines, ticket counting machines, ticket issuing machines, typewriters, transcribing machines, time recording devices, and combinations of any of the foregoing, 10 per centum.

(7) **Rubber articles.**—Articles of which rubber is the component material of chief weight, 10 per centum. The tax imposed under this paragraph shall not be applicable to footwear, articles designed especially for hospital or surgical use, or articles taxable under any other provision of this chapter.

(8) **Washing machines.**—Washing machines of the kind used in commercial laundries, 10 per centum. No tax shall be imposed under this paragraph on washing machines of the household type.

(9) **Optical equipment.**—Refractometers; spectrometers; spectroscopes; colorimeters; polariscopes; optical measuring instruments; telescopic sights; projection lenses and prisms; optical machinery; microscopes; telescopes, photo-micro and micro-projection apparatus, fire control optical instruments; and search-light mirrors and reflectors; 10 per centum.

(10) **Electric light bulbs and tubes.**—Electric light bulbs and tubes, not including articles taxable under any other provision of this subchapter, 5 per centum.

(b) **Exemption if article taxable as jewelry.**—No tax shall be imposed under this section on any article taxable under section 2400 (relating to jewelry tax).

(c) **Effective date.**—This section shall take effect on October 1, 1941. (Added Sept. 21, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 551, 55 Stat. 716, and amended Oct. 21, 1942, 4:30 p.m., E. W. T., ch. 619, title VI, §§ 607, 615, 56 Stat. 976, 978; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, §§ 304, 311, 58 Stat. 64, 69.)

#### AMENDMENTS

1944—Subsec. (a) (2) amended by act Feb. 25, 1944, cited to text, which added sentence beginning "The tax imposed", etc.

Subsec. (a) (3) amended by act Feb. 25, 1944, cited to text, which inserted "and" before "electric mixers, whippers, and juicers", and struck out "and household type electric vacuum cleaners".

1942—Subsecs. (4) and (6) were amended by act Oct. 21, 1942, cited to text.

#### EFFECTIVE DATE

Act Feb. 25, 1944, §§ 304, 311, cited to text, was made effective on the first day of the first month which begins more than 10 days after the date of the enactment of this act by section 301 thereof.

Act Oct. 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 601 thereof.

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

#### TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days after the enactment of act Feb. 25, 1944, see section 1650 of this title and notes thereunder.



## TERMINATION OF TAXES UNDER SUBSECS. (a) (5, 7-9)

Section 611 of act Oct. 21, 1942, cited to text, provided as follows:

"The taxes imposed by the following provisions shall not apply to the sale, by the manufacturer, producer, or importer, after the effective date of this Title (title VI of Revenue Act of 1942), of the articles taxable under such provisions:

"(a) Section 3406 (a) (5) of the Internal Revenue Code (relating to tax on electric signs).

"(b) Section 3406 (a) (7) of the Internal Revenue Code (relating to tax on rubber articles).

"(c) Section 3406 (a) (8) of the Internal Revenue Code (relating to tax on washing machines).

"(d) Section 3406 (a) (9) of the Internal Revenue Code (relating to tax on optical equipment)."

The effective date of title VI of Revenue Act of 1942, referred to in preceding note, is the same as the effective date of act Oct. 21, 1942, as shown in second paragraph of effective date note under this section.

**§ 3407. Tax on firearms, shells, and cartridges.**—There shall be imposed upon firearms, shells, and cartridges, sold by the manufacturer, producer, or importer, a tax equivalent to 11 per centum of the price for which so sold. The tax imposed by this section shall not apply (1) to articles sold for the use of any State, Territory of the United States, or political subdivision thereof, or the District of Columbia, or (2) to pistols and revolvers.

The taxes imposed by this section shall not apply to any firearm on which the tax provided by section 2720 has been paid.

The provisions of section 3452 (relating to expiration of taxes) shall not apply to the tax imposed by this section. (53 Stat. 412; June 29, 1939, 10 p. m., E. S. T., ch. 247, title I, § 2, 53 Stat. 863; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (18), 55 Stat. 707; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (3), 58 Stat. 64.)

## AMENDMENTS

1944—Act Feb. 25, 1944, cited to text, amended second sentence of first par. by changing "the United States, any State, Territory, or possession of the United States," to read "any State, Territory of the United States,".

**§ 3411. Tax on electrical energy for domestic or commercial consumption.**—(a) There shall be imposed upon electrical energy sold for domestic or commercial consumption and not for resale a tax equivalent to 3 1/3 per centum of the price for which so sold, to be paid by the vendor under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe. The sale of electrical energy to an owner or lessee of a building, who purchases such electrical energy for resale to the tenants therein, shall for the purposes of this section be considered as a sale for consumption and not for resale, but the resale to the tenant shall not be considered a sale for consumption.

(b) The provisions of sections 3441, 3444, and 3447 shall not be applicable with respect to the tax imposed by this section.

(c) No tax shall be imposed under this section upon electrical energy sold to any State, Territory of the United States, or political subdivision thereof, or the District of Columbia. None of the provisions of this section shall apply to publicly owned



electric and power plants, or to electric and power plants or systems owned and operated by co-operative or non-profit corporations engaged in rural electrification. The right to exemption under this subsection shall be evidenced in such manner as the Commissioners, with the approval of the Secretary, may by regulation, prescribe. (53 Stat. 412; Sept. 20, 1941 12:15 p. m. E. S. T., ch. 412, title V, § 521 (a) (19), 55 Stat. 707; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (4), 58 Stat. 64.)

### IMPORT TAXES

**§ 3442. Tax-free sales.**—Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax under this chapter shall be imposed with respect to the sale of any article—

(1) for use by the vendee as material in the manufacture or production of, or as a component part of, an article enumerated in this chapter;

(2) for resale by the vendee for such use by his vendee, if such article is in due course so resold;

(3) for the exclusive use of any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia.

For the purposes of this chapter the manufacturer or producer to whom an article is sold under paragraph (1) or resold under paragraph (2) shall be considered the manufacturer or producer of such article. The provisions of paragraphs (1) and (2) shall not apply with respect to tires, inner tubes, or automobile radios taxable under section 3404. (53 Stat. 416; Sept. 20, 1941, 12:15 p. m. E. S. T., ch. 412, title V, § 553 (d), 55 Stat. 721; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (5), 58 Stat. 65.)

### EXEMPTIONS

Subsec. (c) of act Feb. 25 1944, § 307, cited to text, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States. This subsection shall not be applicable to any contract entered into on or after the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war."

**§ 3443. Credits and refunds.**—(a) A credit against tax under this chapter, or a refund, may be allowed or made—

(1) to a manufacturer or producer, in the amount of any tax under this chapter which has been paid with respect to the sale of any article (other than a tire, inner tube, or automobile radio taxable under section 3404) purchased by him and used by him as material in the manufacture or production of, or as a component part of, an article with respect to which tax under this chapter has been paid, or which has been sold free of tax by virtue of section 3442, relating to tax-free sales.



(2) to any person who has paid tax under this chapter with respect to an article, when the price on which the tax was based is readjusted by reason of return or repossession of the article or a covering or container, or by a bona fide discount, rebate, or allowance; in the amount of that part of the tax proportionate to the part of the price which is refunded or credited.

(3) to a manufacturer, producer, or importer, in the amount of tax paid by him under this chapter with respect to the sale of any article to any vendee, if the manufacturer, producer, or importer has in his possession such evidence as the regulations may prescribe that—

(A) such article was, by any person—

(i) resold for the exclusive use of any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia;

(ii) used or resold for use as fuel supplies, ship's stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(iii) in the case of products embraced in paragraph (2) of section 3412 (c) used or resold for use otherwise than as fuel for the propulsion of motor vehicles, motor boats, or airplanes, and otherwise than in the production of such fuel: *Provided, however,* That no credit or refund shall be allowed or made under this paragraph in the case of sales or uses of products commonly or commercially known or sold as gasoline, including casinghead and natural gasoline;

(iv) in the case of lubricating oils, used or resold for nonlubricating purposes.

(v) in the case of unexposed motion picture films used or resold for use in the making of news reel motion picture films.

(B) The manufacturer, producer, or importer has repaid or agreed to repay the amount of such tax to the ultimate vendor or has obtained the consent of the ultimate vendor to the allowance of the credit or refund.

(b) Credit or refund under subsection (a) shall be allowed or made only upon compliance with regulations prescribed by the Commissioner with the approval of the Secretary.

(c) Interest shall be allowed at the rate of 6 per centum per annum with respect to any amount of tax under this chapter credited or refunded, except that no interest shall be allowed with respect to any amount of tax credited or refunded under the provisions of subsection (a) hereof.

(d) No overpayment of tax under this chapter shall be credited or refunded (otherwise than under subsection (a)), in pursuance of a court decision or otherwise, unless the person who paid the tax establishes, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, (1) that he has not included the tax in the price of the article with respect to which it was imposed, or collected the amount of tax from the vendee, or (2) that he has repaid the amount of the tax to the



ultimate purchaser of the article, or unless he files with the Commissioner written consent of such ultimate purchaser to the allowance of the credit or refund. (53 Stat. 417; Sept. 20, 1941, 12:15 p.m. E. S. T., ch. 412, title V, § 553 (c), (d), 55 Stat. 721; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (6), 58 Stat. 65.)

#### EXEMPTIONS

Subsec. (c) of act Feb. 25, 1944, § 307, cited to text, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States. This subsection shall not be applicable to any contract entered into on or after the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war."

#### TELEGRAPH, TELEPHONE, RADIO, AND CABLE FACILITIES

§ 3465. Imposition and rate of tax.—(a) There shall be imposed:

(1) Telephone and telegraph, etc.—(A) On the amount paid within the United States for each telephone or radio telephone message or conversation for which the toll charge is more than 24 cents, a tax equal to 20 per centum of the amount so paid. If a bill is rendered the taxpayer for the services described in this subparagraph, the amount upon which the tax shall be based shall be the sum of all such charges included in the bill, and the tax shall not be based upon the charge for each item, separately, included in the bill.

(B) On the amount paid within the United States for each telegraph, cable, or radio dispatch or message a tax equal to 15 per centum of the amount so paid, except that in the case of each international telegraph, cable, or radio dispatch or message the rate shall be 10 per centum. If a bill is rendered the taxpayer for the services described in this subparagraph, the amount upon which the tax at each of the rates in this subparagraph shall be based shall be the sum of all such charges at that rate included in the bill, and the tax shall not be based upon the charge for each item, separately, included in the bill.

If the tax under subparagraph (A) or (B) is paid by inserting coins in coin-operated telephones, the tax shall be computed to the nearest multiple of 5 cents, except that where the tax is midway between multiples of 5 cents, the next higher multiple shall apply. Only one payment of a tax imposed by subparagraph (A) or (B) shall be required notwithstanding the lines or stations of one or more persons are used in the transmission of such dispatch, message, or conversation.

(2) Leased wires, etc.—(A) A tax equivalent to 15 per centum of the amount paid for leased wire, teletypewriter, or talking circuit special service, but not including an amount paid for leased wire, teletypewriter, or talking circuit special service used exclusively in rendering a service taxable under subparagraph (B).



(B) A tax equivalent to 5 per centum of the amount paid for any wire and equipment service (including stock quotation and information services, burglar alarm or fire alarm service, and all other similar services, but not including service described in subparagraph (A)).

The tax shall apply under this paragraph whether or not the wires or services are within a local exchange area.

(3) **Local telephone service.**—A tax equivalent to 10 per centum of the amount paid by subscribers for local telephone service and for any other telephone service in respect of which a tax is not payable under paragraph (1) or (2). Amounts paid for the installation of instruments, wires, poles, switchboards, apparatus, and equipment shall not be considered amounts paid for service. Service paid for by inserting coins in coin-operated telephones available to the public shall not be subject to the tax imposed by this paragraph, except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be subject to the tax.

(b) This section shall not apply to the amount paid for so much of the service described in paragraph (2) of subsection (a) as is utilized in the conduct, by a common carrier or telephone or telegraph company or a radio broadcasting station or network, of its business as such. (53 Stat. 422; June 29, 1939, 10 p. m., E. S. T., ch. 247, title I, § 1, 53 Stat. 862; June 25, 1940, 11:45 a. m., E. S. T., ch. 419, title II, § 209, 54 Stat. 522; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 548, 55 Stat. 714; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 606 (a), 56 Stat. 975.)

§ 3466. **Exemption from tax.**—(a) No tax shall be imposed under section 3465 upon any payment received for services or facilities furnished to any State, Territory of the United States, or political subdivision thereof, or the District of Columbia, or any corporation created by Act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864.

(b) No tax shall be imposed under section 3465 (a) (1) and (2) upon any payment received from any person for services or facilities utilized in the collection of news for the public press, or a news ticker service furnishing a general news service similar to that of the public press, or radio broadcasting, or in the dissemination of news through the public press, or a news ticker service furnishing a general news service similar to that of the public press, or by means of radio broadcasting, if the charge for such services or facilities is billed in writing to such person. Section 3465 (a) (3) shall not be construed as imposing a tax on services and facilities described in section 3465 (a) (1) or (2) which are exempt from tax under this subsection.

(c) The right to exemption under this section shall be evidenced in such manner as the Commissioner with the approval of the Secretary may by regulation prescribe. (53 Stat. 422; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 548, 55 Stat. 714; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (7), 58 Stat. 65.)



## EXEMPTIONS

Subsec. (c) of act Feb. 25, 1944, § 307, cited to text, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States. This subsection shall not be applicable to any contract entered into on or after the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war."

## TRANSPORTATION OF PERSONS

**§ 3469. Tax on transportation of persons, etc.**—(a) **Transportation.**—There shall be imposed upon the amount paid within the United States, on or after October 10, 1941, for the transportation, on or after such effective date, of persons by rail, motor vehicle, water, or air, within or without the United States, a tax equal to 10 per centum of the amount so paid. Such tax shall apply to transportation by motor vehicles having a passenger seating capacity of less than ten adult passengers, including the driver, only when such vehicle is operated on an established line.

(b) **Exemption of certain trips.**—The tax imposed by subsection (a) shall not apply to amounts paid for transportation which do not exceed 35 cents, to amounts paid for commutation or season tickets for single trips of less than thirty miles, or to amounts paid for commutation tickets for one month or less.

(c) **Seats, berths, etc.**—There shall be imposed upon the amount paid within the United States for seating or sleeping accommodations in connection with transportation with respect to which a tax is imposed by subsection (a) a tax equivalent to 10 per centum of the amount so paid.

(d) **Returns and payment.**—The taxes imposed by this section shall be paid by the person making the payment subject to the tax. Each person receiving any payment specified in subsection (a) or (c) shall collect the amount of the tax imposed from the person making such payment, and shall, on or before the last day of each month make a return, under oath, for the preceding month, and pay the taxes so collected to the collector in the district in which his principal place of business is located, or if he has no principal place of business in the United States, to the collector at Baltimore, Maryland. Such returns shall contain such information and be made in such manner as the Commissioner with the approval of the Secretary may by regulations prescribe.

(e) **Extensions of time.**—The Commissioner may extend the time for making returns and paying the taxes collected, under such rules and regulations as he shall prescribe with the approval of the Secretary, but no such extension shall be for more than ninety days.

(f) **Exemptions.**

(1) **Governmental exemption.**—The tax imposed by this section shall not apply to the payment for transportation or facilities furnished to any State, Territory of the United States, or political



subdivision thereof, or the District of Columbia, or any corporation created by Act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864.

(2) **Exemption of members of military and naval service.**—The tax imposed by this section shall not apply to the payment for transportation or facilities furnished under special tariffs providing for fares of not more than 1¼ cents per mile applicable to round trip tickets sold to personnel of the United States Army, Navy, Marine Corps, and Coast Guard traveling in uniform of the United States, or to members of the military or naval forces of any of the other United Nations traveling in uniform of such nation, at their own expense when on official leave, furlough, or pass, including authorized cadets and midshipmen, issued on presentation of properly executed certificate. (Added Sept 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 554 (b), 55 Stat. 721; and amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 609, 56 Stat. 977; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (8), 58 Stat. 65.)

#### EXEMPTIONS

Subsec. (c) of act Feb. 25, 1944, § 307, cited to text, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States. This subsection shall not be applicable to any contract entered into on or after the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war."

#### TRANSPORTATION OF PROPERTY

§ 3475. **Transportation of property—(a) Tax.**—There shall be imposed upon the amount paid within the United States after the effective date of this section for transportation, on or after such effective date, of property by rail, motor vehicle, water, or air from one point in the United States to another, a tax equal to 3 per centum of the amount so paid, except that, in the case of coal, the rate of tax shall be 4 cents per short ton. Such tax shall apply only to amounts paid to a person engaged in the business of transporting property for hire, including amounts paid to a freight forwarder, express company, or similar person, but not including amounts paid by a freight forwarder, express company, or similar person for transportation with respect to which a tax has previously been paid under this section. In the case of property transported from a point without the United States to a point within the United States the tax shall apply to the amount paid within the United States for that part of the transportation which takes place within the United States. The tax on the transportation of coal shall not apply to the transportation of coal with respect to which there has been a previous taxable transportation.



**(b) Exemption of government transportation.**—The tax imposed under this section shall not apply to (1) amounts paid for the transportation of property to or from the government of a State, Territory of the United States, or political subdivision thereof, or the District of Columbia, or any corporation created by Act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864, (2) amounts paid to the Post Office Department for the transportation of property, or (3) amounts paid by or to the War Shipping Administration for the transportation of property by water from one point in the United States to another, except between points on the Great Lakes.

**(c) Returns and payment.**—The tax imposed by this section shall be paid by the person making the payment subject to the tax. Each person receiving any payment specified in subchapter (a) shall collect the amount of the tax imposed from the person making such payment, and shall, on or before the last day of each month, make a return, under oath, for the preceding month, and pay the taxes so collected to the collector in the district in which his principal place of business is located, or if he has no principal place of business in the United States, to the collector at Baltimore, Maryland. Such returns shall contain such information and be made in such manner as the Commissioner with the approval of the Secretary may by regulations prescribe.

**(d) Extensions of time.**—The Commissioner may extend the time for making returns and paying the taxes collected, under such rules and regulations as he shall prescribe with the approval of the Secretary, but no such extension shall be for more than ninety days.

**(e) Registration.**—Every person engaged in the business of transporting property for hire, including freight forwarders, express companies, and similar persons, shall, on or before the sixtieth day after the effective date of this section, or within sixty days after first engaging in the business of transportation of property for hire, register his name and his place or places of business with the collector in the district in which is located the principal place of business of such person. Every such person who fails to register within the period specified shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$50. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 620 (a), 56 Stat. 979, and amended Nov. 4, 1943, ch. 294, § 1, 57 Stat. 585; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (9), 58 Stat. 65.)

#### EXEMPTIONS

Subsec. (c) of act Feb. 25, 1944, § 307, cited to text, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States. This subsection shall not be applicable to any contract entered into on or after the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war."



**TITLE 28—JUDICIAL CODE AND JUDICIARY****THE COURT OF CLAIMS**

§ 248. (Judicial Code, section 143.) **Reports to Congress.**—On the first day of every regular session of Congress, the clerk of the Court of Claims shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, stating the amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims upon which they were rendered. At the end of every term of the court he shall transmit a copy of its decisions to the heads of departments; to the General Counsel for the Department of the Treasury; to the Comptroller General of the United States; to the Commissioner of the General Land Office and of Indian Affairs; to the chiefs of bureaus, and to other officers charged with the adjustment of claims against the United States. (Mar. 3, 1911, ch. 231, § 143, 36 Stat. 1136; June 10, 1921, ch. 18, §§ 301, 302, 310, 42 Stat. 23, 25; May 10, 1934, ch. 277, § 512 (b), 48 Stat. 759.)

**SIMILAR PROVISIONS**

Prior to the enactment of the Judicial Code the subject matter of this section was contained in R. S. § 1057 which was derived from acts June 25, 1868, ch. 71, § 9, 15 Stat. 77; Mar. 17, 1868, ch. 19, § 3, 14 Stat. 9, and repealed by act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168.

§ 250. (Judicial Code, section 145.) **Jurisdiction.**—The Court Claims shall have jurisdiction to hear and determine the following matters:

(1) **Claims against United States.**—First. All claims (except for pensions) founded upon the Constitution of the United States or any law of Congress, upon any regulation of an executive department, upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable: *Provided, however,* That nothing in this section shall be construed as giving to the said court jurisdiction to hear and determine claims growing out of the late civil war, and commonly known as “war claims”, or to hear and determine other claims which, prior to March 3, 1887, had been rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same.

(2) **Set-offs.**—Second. All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided,* That no suit against the Government of the United States, brought by any officer of the United States to recover fees for services alleged to have been performed for the United States, shall be allowed under this chapter until an account for said fees shall have been rendered and finally acted upon as required by law, unless the General Accounting Office fails to act finally



thereon within six months after the account is received in said office.

**(3) Disbursing officers.—Third.** The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of loss by capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible. (Mar. 3, 1911, ch. 231, § 145, 36 Stat. 1136; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

#### SIMILAR PROVISIONS

Prior to the enactment of the Judicial Code the subject matter of this section was contained in R. S. § 1059 and acts Mar. 3, 1887, ch. 359, § 1, 24 Stat. 505; June 27, 1898, ch. 503, § 1, 30 Stat. 494; and July 1, 1898, ch. 546, § 3, 30 Stat. 649. R. S. § 1059 was derived from acts Feb. 24, 1855, ch. 122, § 1, 10 Stat. 612; Mar. 3, 1863, ch. 92, § 3, 12 Stat. 765; Mar. 12, 1863, ch. 120, § 3, 12 Stat. 820; July 2, 1864, ch. 225, §§ 2, 3, 13 Stat. 375, 376; May 9, 1866, ch. 75, § 1, 14 Stat. 44; July 27, 1868, ch. 276, § 3, 15 Stat. 243, and repealed by act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168.

**§ 252. (Judicial Code, section 146.) Judgments for set-off or counterclaims.**—Upon the trial of any cause in which any set-off, counterclaim, claim for damages, or other demand is set up on the part of the Government against any person making claim against the Government in said court, the court shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government it shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases provided for by law. Any transcript of such judgment, filed in the clerk's office of any district court, shall be entered upon the records thereof, and shall thereby become and be a judgment of such court and be enforced as other judgments in such court are enforced. (Mar. 3, 1911, ch. 231, § 146, 36 Stat. 1137.)

#### SIMILAR PROVISIONS

Prior to the enactment of the Judicial Code the subject matter of this section was contained in R. S. § 1061 which was derived from act Mar. 3, 1863, ch. 92, § 3, 12 Stat. 765 and repealed by act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168.

**§ 253. (Judicial Code, section 147.) Decree on accounts of disbursing officers.**—Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the General Accounting Office shall allow to such officer the amount so decreed as a credit in the settlement of his accounts. (Mar. 3, 1911, ch. 231, § 147, 36 Stat. 1137; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

#### SIMILAR PROVISIONS

Prior to the enactment of the Judicial Code the subject matter of this section was contained in R. S. § 1062 which was derived from act May 9, 1866, ch. 75, § 2, 14 Stat. 44, and repealed by act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168.



**§ 254. (Judicial Code, section 148.) Claims referred by departments.**—When any claim or matter is pending in any of the executive departments which involves controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, documents, and proofs pertaining thereto, to the Court of Claims and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the department by which it was transmitted for its guidance and action. If it shall have been transmitted with the consent of the claimant, or if it shall appear to the satisfaction of the court upon the facts established, that under existing laws or the provisions of this chapter it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, in the latter case giving to either party such further opportunity for hearing as in its judgment justice shall require, and shall report its findings therein to the department by which the same was referred to said court. The Secretary of the Treasury may, upon the certificate of the Comptroller General of the United States, direct any claim or matter, of which, by reason of the subject matter or character, the said court might under existing laws, take jurisdiction on the voluntary action of the claimant, to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to the said court for trial and adjudication. (Mar. 3, 1911, ch. 231, § 148, 36 Stat. 1137; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

#### SIMILAR PROVISIONS

Prior to the enactment of the Judicial Code the subject matter of this section was contained in R. S. § 1063; act Mar. 3, 1883, ch. 116, § 2, 22 Stat. 485; and act Mar. 3, 1887, ch. 359, §§ 12, 13, 24 Stat. 507, which were repealed by act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168.

R. S. § 1063 was derived from act June 25, 1868, ch. 71, § 7, 15 Stat. 76.

**§ 255. (Judicial Code, section 149.) Procedure in cases transmitted by departments.**—All cases transmitted by the head of any department, or upon the certificate of the Comptroller General of the United States, according to the provisions of section 254 of this title, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations. (Mar. 3, 1911, ch. 231, § 149, 36 Stat. 1138; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

#### SIMILAR PROVISIONS

Prior to the enactment of the Judicial Code the subject matter of this section was contained in R. S. § 1064 which was derived from act June 25, 1868, ch 71, § 7, 15 Stat. 76, and repealed by act Mar. 3, 1911, ch. 251, § 297, 36 Stat. 1168.

**§ 256. (Judicial Code, section 150.) Judgments in cases transmitted by departments.**—The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under sections 254 and 255 of this title, shall be paid out of any specific appropriation applicable to the case, if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner



as other judgments of the said court. (Mar. 3, 1911, ch. 231, § 150, 36 Stat. 1138.)

#### SIMILAR PROVISIONS

Prior to the enactment of the Judicial Code the subject matter of this section was contained in R. S. § 1065 which was derived from act June 25, 1855, ch. 122, § 11, to Stat. 614, and repealed by act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168.

**§ 272. (Judicial Code, section 164.) Calling departments for information.**—The said court shall have power to call upon any of the departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business. But the head of any department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest. (Mar. 3, 1911, ch. 231, § 164, 36 Stat. 1140.)

#### SIMILAR PROVISIONS

Prior to the enactment of the Judicial Code the subject matter of this section was contained in R. S. § 1076, which was derived from act Feb. 24, 1855, ch. 122, § 11, to Stat. 614, and repealed by act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168.

**§ 279. (Judicial Code, section 172.) Claims forfeited for fraud.**—Any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim or of any part of any claim against the United States shall, ipso facto, forfeit the same to the Government; and it shall be the duty of the Court of Claims, in such cases, to find specifically that such fraud was practiced or attempted to be practiced, and thereupon to give judgment that such claim is forfeited to the Government, and that the claimant be forever barred from prosecuting the same. (Mar. 3, 1911, ch. 231, § 172, 36 Stat. 1141.)

#### SIMILAR PROVISIONS

Prior to the enactment of the Judicial Code the subject matter of this section was contained in R. S. § 1086 which was derived from act Mar. 3, 1863, ch. 92, § 11, 12 Stat. 767, and repealed by act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168.

**§ 285. (Judicial Code, section 178.) Payment of judgment.**—The payment of the amount due by any judgment of the Court of Claims, and of any interest thereon allowed by law, as provided by law, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy. (Mar. 3, 1911, ch. 231, § 178, 36 Stat. 1141.)

#### SIMILAR PROVISIONS

Prior to the enactment of the Judicial Code the subject matter of this section was contained in R. S. § 1092 which was derived from act Mar. 3, 1863, ch. 92, § 7, 12 Stat. 766, and repealed by act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168.

**§ 286. (Judicial Code, section 179.) Final judgments a bar.**—Any final judgment against the claimant on any claim prosecuted as provided in this chapter shall forever bar any further claim



or demand against the United States arising out of the matters involved in the controversy. (Mar. 3, 1911, ch. 231, § 179, 36 Stat. 1141.)

#### SIMILAR PROVISIONS

Prior to the enactment of the Judicial Code the subject matter of this section was contained in R. S. § 1093 which was derived from act Mar. 3, 1863, ch. 92, § 7, 12 Stat. 766, and repealed by act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168.

**§ 287. (Judicial Code, section 180.) Ascertainment of amounts due United States by debtors.**—Whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer or agent or contractor so indebted, or that he or the person for whom he is such surety, guarantor, or personal representative has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States had arisen and exists, and that he or the person he represents has applied to the proper department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application, and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said department and to the Attorney General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, upon review of the decision of the Court of Claims as provided in section 288 of this title as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court; and unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred. The provisions of section 274 of this title shall apply to cases under this section. (Mar. 3, 1911, ch. 231, § 180, 36 Stat. 1141; Feb. 13, 1925, ch. 229, § 3, 43 Stat. 939.)

#### SIMILAR PROVISIONS

Prior to the enactment of the Judicial Code the subject matter of this section was contained in act Mar. 3, 1887, ch. 359, §§ 3, 8, 24 Stat. 505, 506, which was repealed by act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168.

**§ 288. Certification to Supreme Court of questions of law; certiorari by Supreme Court to Court of Claims; no other review allowed.**—(a) In any case in the Court of Claims, including those begun under section 287 of this title, that court at any time may



certify to the Supreme Court any definite and distinct questions of law concerning which instructions are desired for the proper disposition of the cause; and thereupon the Supreme Court may give appropriate instructions on the questions certified and transmit the same to the Court of Claims for its guidance in the further progress of the cause.

(b) In any case in the Court of Claims, including those begun under section 287 of this title, it shall be competent for the Supreme Court, upon the petition of either party, whether Government or claimant, to require, by certiorari, that the cause be certified to it for review and determination of all errors assigned, with the same power and authority, and with like effect, as if the cause had been brought there by appeal. In such event, the Court of Claims shall include in the papers certified by it the findings of fact, the conclusions of law, and the judgment or decree, as well as such other parts of the record as are material to the errors assigned, to be settled by the Court.

The Court of Claims shall promulgate rules to govern the preparation of such record in accordance with the provisions of this section.

In such cases the Supreme Court shall have authority to review, in addition to other questions of law, errors assigned to the effect that there is a lack of substantial evidence to sustain a finding of fact; that an ultimate finding or findings are not sustained by the findings of evidentiary or primary facts; or that there is a failure to make any finding of fact on a material issue.

(c) All judgments and decrees of the Court of Claims shall be subject to review by the Supreme Court as provided in this section, and not otherwise. (Feb. 13, 1925, ch. 229, § 3, 43 Stat. 939; May 22, 1939, ch. 140, 53 Stat. 752.)

§ 291. (Judicial Code, section 185.) **Appearance by Attorney General for defense.**—The Attorney General, or his assistants under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under the provisions of this chapter, with the same power to interpose counterclaims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is required to defend the United States in said court. (Mar. 3, 1911, ch. 231, § 185, 36 Stat. 1142.)

#### SIMILAR PROVISIONS

Prior to the enactment of the Judicial Code the subject matter of this section was contained in act Mar. 3, 1883, ch. 116, § 5, 22 Stat. 486, which was repealed by act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168.

#### CROSS REFERENCE

Attorney General to render legal services required by governmental departments, see section 306 of Title 5, Executive Departments and Government Officers and Employees.

#### THE SUPREME COURT

§ 334. (Judicial Code, section 227.) **Printing, binding, and distribution of reports and digests.**—The reports provided for in section 332 of this title shall be printed, bound, and issued within



eight months after said decisions have been rendered by the Supreme Court, and within said period the Attorney General shall distribute copies of said Supreme Court reports as follows: \* \* \* the Secretary of Agriculture, \* \* \* each Assistant Secretary of each of the executive departments, \* \* \* the Forester and Chief of Forest Service, Department of Agriculture; \* \* \* and the heads of such other executive offices as may be provided by law of equal grade with any of said offices, each one copy; \* \* \*

The Attorney General shall distribute one complete set of said reports and one set of the digests thereof to such executive officers as are entitled to receive said reports under this section and have not already received them; \* \* \* Said reports and digests shall remain the property of the United States and shall be preserved by the officers above named and by them turned over to their successors in office. \* \* \* (Mar. 3, 1911, ch. 231, § 227, 36 Stat. 1154; Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1419; July 1, 1922, ch. 267, § 3, 42 Stat. 816; June 12, 1926, ch. 568, 44 Stat. 736; Jan. 29, 1929 ch. 113, 45 Stat. 1143; Mar. 2, 1929, ch. 488, § 1, 45 Stat. 1475; July 3, 1930, ch. 863, § 1, 46 Stat. 1016; Feb. 23, 1931, ch. 276, § 30, 46 Stat. 1214; May 17, 1932, ch. 190, 47 Stat. 158; June 30, 1932, ch. 314, § 501, 47 Stat. 415; May 10, 1934, ch. 277, § 512, 48 Stat. 758; Ex. Ord. No. 6166, §§ 12, 14, June 10, 1933; June 7, 1934, ch. 426, 48 Stat. 926; May 27, 1936, ch. 463, § 1, 49 Stat. 1380; June 20, 1936, ch. 630, § 5, 49 Stat. 1549; June 25, 1936, ch. 804, 49 Stat. 1921.)

#### SIMILAR PROVISIONS

Prior to the enactment of the Judicial Code the subject matter of this section was contained in R. S. 683 and acts Feb. 12, 1889, ch. 135, 25 Stat. 661, and July 1, 1902, ch. 1355, 32 Stat. 630.

R. S. § 683, which was derived from acts Aug. 29, 1842, ch. 264, § 1, 5 Stat. 545; Mar. 2, 1861, ch. 87, § 6, 12 Stat. 245; July 23, 1866, ch. 208, § 1, 15 Stat. 191 (205); July 15, 1870, ch. 292, § 1, 16 Stat. 291 (307), was repealed by act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168.

**§ 349a. Direct appeal to Supreme Court; constitutionality of Federal statutes; time; precedence.**—In any suit or proceeding in any court of the United States to which the United States, or any agency thereof, or any officer or employee thereof, as such officer or employee, is a party, or in which the United States has intervened and become a party, and in which the decision is against the constitutionality of any Act of Congress, an appeal may be taken directly to the Supreme Court of the United States by the United States or any other party to such suit or proceeding upon application therefor or notice thereof within thirty days after the entry of a final or interlocutory judgment, decree, or order; and in the event that any such appeal is taken, any appeal or cross-appeal by any party to the suit or proceeding taken previously, or taken within sixty days after notice of an appeal under this section, shall also be or be treated as taken directly to the Supreme Court of the United States. In the event that an appeal is taken under this section, the record shall be made up and the case docketed in the Supreme Court of the United States within sixty days from the time such appeal is allowed, under such rules as may be prescribed by the proper courts. Appeals under this



section shall be heard by the Supreme Court of the United States at the earliest possible time and shall take precedence over all other matters not of a like character. This section shall not be construed to be in derogation of any right of direct appeal to the Supreme Court of the United States under existing provisions of law. (Aug. 24, 1937, ch. 754, § 2, 50 Stat. 752.)

#### COURTS OF UNITED STATES

Act August 24, 1937, § 5, cited to text, defined the term "court of the United States" as meaning the courts of record of Alaska, Hawaii, and Puerto Rico, the United States Customs Court, the United States Court of Customs and Patent Appeals, the Court of Claims, any district court of the United States, any circuit court of appeals, and the Supreme Court of the United States.

#### FEES OF JURORS AND WITNESSES

**§ 600. Grand and petit jurors; fees.**—Jurors in the United States courts or before United States commissioners shall receive the following and no other compensation, except in cases otherwise expressly provided by law. For actual attendance at any court or courts, and for the time necessarily occupied in going to and returning from the same, \$4 per day during such attendance.

For the distance necessarily traveled from their residence in going to and returning from said court by the shortest practicable route, 5 cents per mile. (R. S. §§ 823, 852; June 21, 1902, ch. 1138, 32 Stat. 396; Apr. 26, 1926, ch. 183, §§ 1, 2, 44 Stat. 323.)

**§ 600c. Amount of per diem and mileage for witnesses; subsistence.**—Witnesses attending in United States courts, or before United States commissioners, shall receive for each day's attendance and for the time necessarily occupied in going to and returning from the same, \$2, and 5 cents per mile for going from his or her place of residence to the place of trial or hearing and 5 cents per mile for returning: *Provided*, That witnesses (other than witnesses who are salaried employees of the Government and detained witnesses) in the United States courts, including the District Court of Hawaii, the District Court of Puerto Rico, and the District Court of the United States for the District of Columbia, who attend court or attend before United States commissioners, at points so far removed from their respective residences as to prohibit return thereto from day to day, shall be entitled, in addition to the compensation provided by existing law, as modified by this section and sections 184, 592, 600c, 600d, and 604 of this title, to a per diem of \$3 for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to attend court and return home. In cases in which the United States is a party, witnesses on behalf of the United States shall be entitled to the payments provided by this section upon the certificate of the United States attorney, or assistant United States attorney, or United States commissioner.

When a witness is subpoenaed in more than one cause between the same parties, at the same court, only one travel fee and one per diem compensation shall be allowed for attendance. Both shall be taxed in the case first disposed of, after which the per diem attendance fee alone shall be taxed in the other cases in the order in which they are disposed of.



When a witness is detained in prison for want of security for his appearance, he shall be entitled, in addition to his subsistence, to a compensation of \$1 a day. (R. S. §§ 823, 848; Apr. 26, 1926, ch. 183, § 3, 44 Stat. 324; May 17, 1932, ch. 190, 47 Stat. 158; June 25, 1936, ch. 804, 49 Stat. 1921; Dec. 24, 1942, ch. 825, § 1, 56 Stat. 1088.)

**604. Expenses of officers of United States as witnesses.**—When any officer or employee of the United States is summoned as a witness for the Government, his necessary expenses incident to travel by common carrier, and if travel is made by privately owned automobile, mileage at a rate not to exceed 5 cents per mile, together with a per diem allowance not to exceed \$6 in lieu of subsistence under such regulations as may be prescribed by the Attorney General, shall, when sworn to, be paid by the United States marshal upon certificate of the United States attorney, assistant United States attorney, or United States commissioner, but no other mileage or compensation in addition to his salary shall in any case be allowed. Whenever any such officer or employee of the United States performs travel in order to appear as a witness on behalf of the United States in any case involving the activity in connection with which such person is employed, his travel expenses and per diem allowance in lieu of subsistence in connection therewith shall be payable from the appropriation otherwise available for the travel expenses of such officer or employee, such payment to be made by the disbursing officer charged with the disbursement of funds under that appropriation after proper certification by a certifying officer of the department or agency concerned. (R. S. § 850; Dec. 24, 1942, ch. 825, § 2, 56 Stat. 1038.)

**§ 604a. Appropriations available for travel expenses of United States employees as Government witnesses.**—Whenever an employee of the United States performs travel in order to appear as a witness on behalf of the United States in any case involving the activity in connection with which such person is employed, his travel expenses in connection therewith shall be payable from the appropriation otherwise available for the travel expenses of such employee. (July 2, 1942, ch. 472, title II, 56 Stat. 486; July 1, 1943, ch. 182, title II, § 1, 57 Stat. 286.)

## EVIDENCE

**§ 661. Copies of department or corporation records and papers; admissibility; seal.**—(a) Copies of any books, records, papers, or other documents in any of the executive departments, or of any corporation all of the stock of which is beneficially owned by the United States, either directly or indirectly, shall be admitted in evidence equally with the originals thereof, when duly authenticated under the seal of such department or corporation, respectively.

(b) Books or records of account in whatever form, and minutes (or portions thereof) of proceedings, of any such executive department or corporation, or copies of such books, records, or minutes authenticated under the seal of such department or corporation, shall be admissible as evidence of any act, transaction,



occurrence, or event as a memorandum of which such books, records, or minutes were kept or made.

(c) The seal of any such executive department or corporation shall be judicially noticed. (R. S. § 882; June 19, 1934, ch. 653, § 6 (a), 48 Stat. 1109.)

#### DERIVATION

Acts Sept. 15, 1789, ch. 14, § 5, 1 Stat. 69; Feb. 22, 1849, ch. 61, § 3, 9 Stat. 347; May 31, 1854, ch. 60, § 2, 10 Stat. 297.

## TITLE 29—LABOR

### FAIR LABOR STANDARDS

#### FORTY-EIGHT HOUR WARTIME WORK WEEK

Ex. Ord. No. 9301, Feb. 9, 1943, 8 F.R. 1825, provided:

By virtue of the authority vested in me by the Constitution and statutes, as President of the United States, and in order to meet the manpower requirements of our armed forces and our expanding war production program by a fuller utilization of our available manpower, it is hereby ordered:

1. For the duration of the war, no plant, factory or other place of employment shall be deemed to be making the most effective utilization of its manpower if the minimum workweek therein is less than 48 hours per week.

2. All departments and agencies of the Federal Government shall require their contractors to comply with the minimum workweek prescribed in this order and with policies, directives, and regulations prescribed hereunder, and shall promptly take such action as may be necessary for that purpose.

3. The Chairman of the War Manpower Commission shall determine all questions of interpretation and application arising under this order and shall formulate and issue such policies, directives, and regulations as he determines to be necessary to carry out this order and to effectuate its purposes. The Chairman of the War Manpower Commission is authorized to establish a minimum workweek greater or less than that established in section 1 of this order or take other action with respect to any case or type of case in which he determines that such different minimum workweek or other action would more effectively contribute to the war effort and promote the purposes of this order.

4. All departments and agencies of the Federal Government shall comply with such policies, directives, and regulations as the Chairman of the War Manpower Commission shall prescribe pursuant to this order, and shall so utilize their facilities, services, and personnel, and take such action under authority vested in them by law, as the Chairman determines to be necessary to effectuate the purposes of this order and promote compliance with its provisions.

5. Nothing in this order shall be construed as superseding or in conflict with any Federal, State or local law limiting hours of work or with the provisions of any individual or collective bargaining agreement with respect to rates of pay for hours worked in excess of the agreed or customary workweek, nor shall this order be construed as suspending or modifying any provision of the Fair Labor Standards Act (Act of June 25, 1938; 52 Stat. 1060; 29 U. S. C. 201 et seq.) or any other Federal, State or local law relating to the payment of wages or overtime.

## TITLE 30—MINERAL LANDS AND MINING

### MINERAL LANDS AND REGULATIONS IN GENERAL

§ 21. Mineral lands reserved.—In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law. (R. S. § 2318.)

#### DERIVATION

Act July 4, 1866, ch. 166, § 5, 14 Stat. 86.



## CROSS REFERENCES

Michigan, Wisconsin, and Minnesota mineral lands, see section 48 of this title.

Missouri and Kansas mineral deposits, see section 49 of this title.

**§ 22. Lands open to purchase by citizens**—Except as otherwise provided, all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, shall be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States. (R. S. § 2319; Feb. 25, 1920, ch. 85, § 1, 41 Stat. 437.)

## DERIVATION

Act May 10, 1872, ch. 152, § 1, 17 Stat. 91.

## CROSS REFERENCE

Michigan, Wisconsin, and Minnesota mineral lands, see section 48 of this title.

**§ 23. Length of claims on veins or lodes**—Mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, located prior to May 10, 1872, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining claim located after the 10th day of May 1872, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the 10th day of May 1872 render such limitation necessary. The end lines of each claim shall be parallel to each other. (R. S. § 2320.)

## DERIVATION

Act May 10, 1872, ch. 152, § 2, 17 Stat. 91.

## CROSS REFERENCE

Michigan, Wisconsin, and Minnesota mineral lands, see section 48 of this title.

**§ 26. Locators' rights of possession and enjoyment**—The locators of all mining locations made on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim existed on the 10th day of May 1872 so long as they comply with the laws of the United States, and with State, territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins,



lodes, and ledges throughout their entire dept, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of their locations, so continued in their own direction.

**§ 29. Patents; procedure to obtain.**—A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under sections 21-24, 26-30, 33-48, 50-52, 71-76 of this title, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of said sections, a patent file in the proper land office an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the United States supervisor of surveys, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such land office, and shall thereupon be entitled to a patent for the land, in the manner following: The register of the land office, upon the filing of such application, plat, field notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States supervisor of surveys that \$500 worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register of the proper land office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of \$5 per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter. Where the claimant for a patent is not a resident of or within the land district wherein the vein, lode, ledge, or deposit sought to be pat-



ented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits. (R. S. § 2325; Jan. 22, 1880, ch. 9, § 1, 21 Stat. 61; Mar. 3, 1925, ch. 462, 43 Stat. 1144, 1145.)

#### DERIVATION

Act May 10, 1872, ch. 152, § 6, 7 Stat. 92.

**§ 30. Adverse claim; proceedings and subsequent filing of judgment roll by successful claimant.**—Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the register of the land office, together with the certificate of the United States supervisor of surveys that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the register \$5 per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment roll shall be certified by the register to the Commissioner of the General Land Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the United States supervisor of surveys, whereupon the register shall certify the proceedings and judgment roll to the Commissioner of the General Land Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person whatever. (R. S. § 2326; Mar. 3, 1925, ch. 462, 43 Stat. 1144, 1145.)

#### DERIVATION

Act May 10, 1872, ch. 152, § 7, 17 Stat. 93.

#### CROSS REFERENCE

Michigan, Wisconsin, and Minnesota mineral lands, see section 48 of this title.



**§ 31. Same; oath of claimant.**—The adverse claim required by section 30 of this title may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the district wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record of the United States or of the State or Territory where the adverse claimant may then be, or before any notary public of such State or Territory. (Apr. 26, 1882, ch. 106, § 1, 22 Stat. 49.)

**§ 32. Same; findings by jury; costs.**—If, in any action brought pursuant to section 30 of this title, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land office or be entitled to a patent for the ground in controversy until he shall have perfected his title. (Mar. 3, 1881, ch. 140, 21 Stat. 505.)

**§ 33. Pending applications; existing rights.**—Applications for patents for mining claims under laws existing prior to May 10, 1872, and pending on that date may be prosecuted to a final decision in the General Land Office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of sections 21-24, 26-30, 33-48, 50-52, 71-76 of this title; and all patents for mining claims upon veins or lodes issued prior to May 10, 1872, shall convey all the rights and privileges conferred by said sections where no adverse rights existed on the 10th day of May, 1872. (R. S. § 2328.)

#### DERIVATION

Act May 10, 1872, ch. 152, § 9, 17 Stat. 94.

#### CROSS REFERENCE

Michigan, Wisconsin, and Minnesota mineral lands, see section 48 of this title.

**§ 34. Description of vein claims on surveyed and unsurveyed lands; monuments on ground to govern conflicting calls.**—The description of vein or lode claims upon surveyed lands shall designate the location of the claims with reference to the lines of the public survey, but need not conform therewith; but where patents have been or shall be issued for claims upon the unsurveyed lands, the United States supervisor of surveys in extending the public survey, shall adjust the same to the boundaries of said patented claims, so as in no case to interfere with or change the true location of such claims as they are officially established upon the ground. Where patents have issued for mineral lands those lands only shall be segregated and shall be deemed to be patented which are bounded by the lines actually marked, defined, and established upon the ground by the monuments of the official survey upon which the patent grant is based, and the United States supervisor of surveys in executing subsequent patent surveys, whether upon surveyed or unsurveyed lands, shall be governed accordingly. The said monuments shall at all times constitute the highest authority as to what land is patented, and in



case of any conflict between the said monuments of such patented claims and the descriptions of said claims in the patents issued therefor the monuments on the ground shall govern, and erroneous or inconsistent descriptions or calls in the patent descriptions shall give way thereto. (R. S. § 2327; Apr. 28, 1904, ch. 1796, 33 Stat. 545; Mar. 3, 1925, ch. 462, 43 Stat. 1144.)

#### DERIVATION

Act May 10, 1872, ch. 152, § 8, 17 Stat. 94.

#### CROSS REFERENCE

Michigan, Wisconsin, and Minnesota mineral lands, see section 48 of this title.

**§ 35. Placer claims conforming entry to legal subdivisions and surveys; limitation of claims.**—Claims usually called “placers” including all forms of deposit, excepting veins or quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands. And where placer claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer-mining claims located after the 10th day of May 1872, shall conform as near as practicable with the United States system of public-land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral land in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead purposes. (R. S. §§ 2329, 2331; Mar. 3, 1891, ch. 561, § 4, 26 Stat. 1097.)

#### DERIVATION

R. S. § 2329 was from act July 9, 1870, ch. 235, § 12, 16 Stat. 217.

R. S. § 2331 was from act May 10, 1872, ch. 152, § 10, 17 Stat. 94.

#### CROSS REFERENCE

Michigan, Wisconsin, and Minnesota mineral lands, see section 48 of this title.

**§ 36. Same; subdivisions of 10-acre tracts; maximum of placer locations.**—Legal subdivisions of forty acres may be subdivided into ten-acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer claim, made after the 9th day of July 1870, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona fide homestead claim upon agricultural lands, or authorize the sale of the improve-



ments of any bona fide settler to any purchaser. (R. S. § 2330; Mar. 3, 1891, ch. 561, § 4, 26 Stat. 1097.)

#### DERIVATION

Act July 9, 1870, ch. 235, § 12, 16 Stat. 217.

#### CROSS REFERENCE

Michigan, Wisconsin, and Minnesota mineral lands, see section 48 of this title.

**§ 37. Same; proceedings for patent.**—Where the same person, association, or corporation is in possession of a placer claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer claim, subject to the provisions of sections 21-24, 26-30, 33-48, 50-52, 71-76 of this title, including such vein or lode, upon the payment of \$5 per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer claim, or any placer claim not embracing any vein or lode claim, shall be paid for at the rate of \$2.50 per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section 23 of this title, is known to exist within the boundaries of a placer claim, an application for a patent for such placer claim which does not include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer claim is not known, a patent for the placer claim shall convey all valuable mineral and other deposits within the boundaries thereof. (R. S. § 2333.)

#### DERIVATION

Act May 10, 1872, ch. 152, § 11, 17 Stat. 94.

#### CROSS REFERENCE

Michigan, Wisconsin, and Minnesota mineral lands, see section 48 of this title.

**§ 38. Evidence of possession and work to establish right to patent.**—Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under sections 21-24, 26-30, 33-48, 50-52, 71-76 of this title, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining claim or property thereto attached prior to the issuance of a patent. (R. S. § 2332.)

#### DERIVATION

Act July 9, 1870, ch. 235, § 13, 16 Stat. 217.

**§ 39. Surveyors of mining claims.**—The United States supervisor of surveys may appoint in each land district containing



mineral lands as many competent surveyors as shall apply for appointment to survey mining claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land Office shall also have power to establish the maximum charges for surveys and publication of notices under sections 21-24, 26-30, 33-48, 50-52, 71-76 of this title; and, in case of excessive charges for publication, he may designate any newspaper published in a land district where mines are situated for the publication of mining notices in such district, and fix the rates to be charged by such paper; and, to the end that the commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register of the Land Office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land Office. (R. S. § 2334; Mar. 3, 1925, ch. 462, 43 Stat. 1144, 1145.)

#### DERIVATION

Act May 10, 1872, ch. 152, § 12, 17 Stat. 95.

§ 42. **Patents for nonmineral lands.**—Where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location made of such nonadjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill site, as provided in this section. (R. S. § 2337.)

#### DERIVATION

Act May 10, 1872, ch. 152, § 15, 17 Stat. 96.

§ 48. **Lands in certain States excepted.**—Except as otherwise provided in sections 181-194, 201, 202-208, 211-214, 221, 223-229, 241, 251, and 261-263 of this title, the provisions of sections 21-24, 26-30, 33-47, 51, and 52 of this title shall not apply to the mineral lands situated in the States of Michigan, Wisconsin, and Minnesota, which are declared free and open to exploration and purchase, according to legal subdivisions, in like manner as before the 10th day of May 1872. And any bona fide entries of such lands within the States named since the 10th day of May 1872 may be patented without reference to sections 21-24, 26-30, 33-47, 51, and 52 of this title. Such lands shall be offered for public sale in the same manner, and at the same minimum price,



as other public lands. (R. S. § 2345; Mar. 3, 1891, ch. 561, § 4, 26 Stat. 1097; Feb. 25, 1920, ch. 85; § 1, 41 Stat. 437.)

#### DERIVATION

Act Feb. 18, 1873, ch. 159, 17 Stat. 465.

**§ 49. Lands in Missouri and Kansas; disposal as agricultural lands.**—Except as otherwise provided in sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title, within the States of Missouri and Kansas deposits of coal, iron, lead, or other mineral are excluded from the operation of the provisions of sections 22-24, 26-30, 33-35, 37, 39, 40-42, 47 of this title, and all lands in said States shall be subject to disposal as agricultural lands. (May 5, 1876, ch. 91, 19 Stat. 52; Feb. 25, 1920, ch. 85, § 1, 41 Stat. 437.)

**§ 51. Vested rights to use of water for mining, etc.; right-of-way for canals.**—Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right-of-way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage. (R. S. § 2339.)

#### DERIVATION

Act July 26, 1866, ch. 262, § 9, 14 Stat. 253.

#### CROSS REFERENCE

Michigan, Wisconsin, and Minnesota mineral lands, see section 48 of this title.

**§ 52. Rights subject to vested and accrued water rights.**—All patents granted, or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by section 51 of this title. (R. S. § 2340; Mar. 3, 1891, ch. 561, § 4, 26 Stat. 1097.)

#### DERIVATION

Act July 9, 1870, ch. 235, § 17, 16 Stat. 218.

#### CROSS REFERENCE

Michigan, Wisconsin, and Minnesota mineral lands, see section 48 of this title.

### ENTRY UNDER MINING LAWS OF LANDS CONTAINING PETROLEUM, OR OTHER MINERAL OILS, OR GAS.

**§ 103. Patents for oil or gas lands not denied because of transfer before discovery of oil or gas.**—In no case shall patent be denied to or for any lands located or claimed prior to March 2, 1911, under the mining laws of the United States containing



petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified person or persons or corporation, prior to discovery of oil or gas therein, but if such claim is in all other respects valid and regular, patent therefor not exceeding one hundred and sixty acres in any one claim shall issue to the holder or holders thereof, as in other cases. The above provisions shall not apply where such lands were at the time of inception of development on or under such claim withdrawn from mineral entry. (Mar. 2, 1911, ch. 201, § 1, 36 Stat. 1015.)

§ 104. Agreements with applicants for patents as to disposition of oil or gas, or proceeds thereof, pending determination of title; Navy petroleum fund.—Where application for patents have been or may be offered for any oil or gas land included in an order of withdrawal upon which oil or gas had been discovered, or was being produced prior to March 2, 1911, or upon which drilling operations were in actual progress on October 3, 1910, and oil or gas is thereafter discovered thereon, and where there has been no final determination by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom or the proceeds thereof, pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law. Any money which may accrue to the United States under the provisions of this section and section 103 of this title from lands within the naval petroleum reserves shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of a fund to be known as the Navy petroleum fund, which fund shall be applied to the needs of the Navy as Congress may from time to time direct, by appropriation or otherwise. (Mar. 2, 1911, ch. 201. § 2, as added Aug. 25, 1914, ch. 287, 38 Stat. 708.)

**AGRICULTURAL ENTRY OF LANDS WITHDRAWN OR CLASSIFIED  
AS CONTAINING PHOSPHATE, NITRATE, POTASH, OIL,  
GAS, OR ASPHALTIC MINERALS**

§ 121. Agricultural entry or purchase of lands withdrawn or classified as containing phosphate, nitrate, potash, oil, or gas; reservations to United States; application.—Lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same;



but no desert entry made under the provisions of this section and sections 122 and 123 shall contain more than one hundred and sixty acres. All applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of the above-mentioned sections. (July 17, 1914, ch. 142, § 1, 38 Stat. 509.)

§ 122. Same; patents; reservation in the United States of reserved deposits; acquisition of right to remove deposits; application for entry to disprove classification.—Upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made; the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be expressly directed by law. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages. Nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character. (July 17, 1914, ch. 142, § 2, 38 Stat. 509.)

§ 123. Same; persons locating lands subsequently withdrawn or classified; patents to.—Any person who has, in good faith, located, selected, entered, or purchased, or any person who shall locate, select, enter, or purchase, after July 17, 1914, under the



nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same. (July 17, 1914, ch. 142, § 3, 38 Stat. 510.)

§ 124. Agricultural entry or purchase of lands withdrawn or classified as containing sodium or sulphur.—Lands withdrawn, classified, or reported as valuable for sodium and/or sulphur and subject to prospecting, leasing, or development under sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title, shall be subject to appropriation, location, selection, entry, or purchase if otherwise available in the form and manner and subject to the reservations, provisions, limitations, and conditions of sections 121, 122, and 123 of this title: *Provided, however,* That lands lying within the geologic structure of a field, or withdrawn, classified, or reported as valuable for any of the minerals named herein and/or in any of said sections, or upon which leases or prospecting permits have been applied for or granted, for the production of any of such minerals, shall not be subject to such appropriation, location, selection, entry, or purchase unless it shall be determined by the Secretary of the Interior that such disposal will not unreasonably interfere with operations under said sections. (Mar. 4, 1933, ch. 278, 47 Stat. 1570.)

#### ENTRY OF BUILDING-STONE OR SALINE LANDS UNDER PLACER-MINING LAWS

§ 161. Entry of building-stone lands; previous law unaffected.—Any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under the provisions of the law in relation to placer-mineral claims. Lands reserved for the benefit of the public schools or donated to any States shall not be subject to entry under this section. Nothing contained in this section shall be construed to repeal section 471 of Title 16 relating to the establishment of national forests. (Aug. 4, 1892, ch. 375, §§ 1, 3, 27 Stat. 348.)

§ 162. Entry of saline lands under placer-mining laws.—All unoccupied public lands of the United States containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, shall be subject to location and purchase under the provisions of the law relating to placer-miner claims. The same person shall not locate or enter more than one claim hereunder. (Jan. 31, 1901, ch. 186, 31 Stat. 745.)



## LEASES AND PROSPECTING PERMITS

## 1. GENERAL PROVISIONS

§ 181. **Lands subject to disposition; right to extract helium reserved; persons not entitled to benefits.**—Deposits of coal, phosphate, sodium, potassium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under sections 513-519 of Title 16 known as the Appalachian Forest Act, and those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas, to municipalities. The United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of the sections hereinbefore enumerated, under such rules and regulations as shall be prescribed by the Secretary of the Interior. In the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof. Citizens of another country, the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of said sections. (Feb. 25, 1920, ch. 85, § 1, 41 Stat. 437; Feb. 7, 1927, ch. 66, § 5, 44 Stat. 1058.)

§ 182. **Lands disposed of with reservation of deposits of coal, and so forth.**—The provision of sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits. (Feb. 25, 1920, ch 85, § 34, 41 Stat. 450.)

§ 183. **Cancellation of prospecting permits.**—The Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title appropriate provisions for its cancellation by him. (Feb. 25, 1920, ch. 85, § 26, 41 Stat. 448.)

§ 184. **Limitation on number of leases to one person; combinations or unlawful trusts.**—No person, association, or corporation, except as herein provided, shall take or hold coal, phosphate, or



sodium leases or permits during the life of such leases or permits in any one State exceeding in aggregate acreage two thousand five hundred and sixty acres for each of said minerals; no person, association, or corporation shall take or hold at one time oil or gas leases or permits exceeding in the aggregate seven thousand six hundred and eighty acres granted hereunder in any one State, and not more than two thousand five hundred and sixty acres within the geologic structure of the same producing oil or gas field; and no person, association, or corporation shall take or hold at any one time any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof, which, together with the area embraced in any direct holding of a lease or leases, permit or permits, under sections 182-184, 185-194 of this title or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof for any kind of mineral leases hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee or permittee under such sections. Any interests held in violation of such sections shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interests forbidden in this subchapter which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 227, 228, and 251 of this title or to prevent any number of lessees under the provisions of sections 182-184, 185-194 of this title from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under such sections, or the transportation of coal or to increase the acreage which may be acquired or held under section 226 of this title: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other or jointly or separately with others in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest, and the Secretary of the Interior is thereunto authorized in his discretion, with the consent of the holders of leases or permits involved, to establish,



alter, change, or revoke drilling, producing, and royalty requirements of such leases or permits, and to make such regulations with reference to such leases and permits with like consent on the part of the lessee or lessees and permittees in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of such public interest: *And provided further*, That when any permit has been determined to be wholly or in part within the limits of a producing oil or gas field, which permit has been included, with the approval of the Secretary of the Interior, in a unit operating agreement or other plan under sections 182-184, 185-194 of this title, the Secretary of the Interior may issue a lease for the area of the permit so included in said plan without further proof of discovery: *Provided further*, That the Secretary of the Interior is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling, or development contracts made by one or more permittees or lessees in oil or gas leases or permits, with one or more persons, associations, or corporations, whenever in his discretion and regardless of acreage limitations, provided for in such sections, the conservation of natural products or the public convenience or necessity may require it or the interests of the United States may be best subserved thereby: *And provided further*, That except as herein provided, if any of the lands or deposits leased under the provisions of such sections shall be subleased, trustee, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of or are in anywise controlled by any combination in the form of an unlawful trust, with consent or lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise, to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control in excess of the amounts of lands provided in sections 182-184, 185-194 of this title, the lease thereof shall be forfeited by appropriate court proceedings: *And provided further*, That nothing in such sections shall be construed as affecting existing leases within the borders of the Naval Petroleum Reserves or agreements concerning operations thereunder or in relation to the same, but the Secretary of the Navy is hereby authorized, with the consent of the President, to enter into agreements such as those provided for herein, which agreements shall not, unless expressed therein, operate to extend the term of any lease affected thereby. (Feb. 25, 1920, ch. 85, § 27, 41 Stat. 448; Apr. 30, 1926, ch. 197, 44 Stat. 373; July 3, 1930, ch. 854, § 1, 46 Stat. 1007; Mar. 4, 1931, ch. 506, 46 Stat. 1524.)

§ 185. Rights-of-way for pipe lines.—Rights-of-way through the public lands, including the forest reserves of the United States, may be granted by the Secretary of the Interior for pipeline purposes for the transportation of oil or natural gas to any



applicant possessing the qualifications provided in section 181 of this title, to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations and conditions as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers and shall accept, convey, transport, or purchase without discrimination, oil or natural gas produced from Government lands in the vicinity of the pipe line in such proportionate amounts as the Secretary of the Interior may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine to be reasonable: *Provided*, That the Government shall in express terms reserve and shall provide in every lease of oil lands under sections 181-194, 201, 202-208, 211-214, 221, 223-229, 241, 251 and 261-263 of this title that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251 and 261-263 of this title: *Provided further*, That no right-of-way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations and conditions prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding. (Feb. 25, 1920, ch. 85, § 28, 41 Stat. 449; Aug. 21, 1935, ch. 599, § 1, 49 Stat. 678.)

**§ 186. Reservation of easements or rights-of-way for working purposes; reservation of right to sell or lease surface of lands.—**

Any permit, lease, occupation, or use permitted under sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in the sections hereinbefore enumerated, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes. The Secretary of the Interior, in his discretion, in making any lease under the sections hereinbefore enumerated, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, insofar as said surface is not necessary for use of the lessee in extracting and removing



the deposits therein. If such reservation is made it shall be so determined before the offering of such lease. The said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved. (Feb. 25, 1920, ch. 85, § 29, 41 Stat. 449.)

§ 187. Assignment or subletting of leases; relinquishment of rights under leases; conditions in leases as to operation of mines, wells, and so forth.—No lease issued under the authority of sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of sixteen or the employment of any girl or woman, without regard to age, in any mine below the surface; provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare. None of such provisions shall be in conflict with the laws of the State in which the leased property is situated. (Feb. 25, 1920, ch. 85, § 30, 41 Stat. 449.)

§ 188. Forfeiture or cancellation of leases.—Any lease issued under the provisions of sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of said sections, of the lease, or of the general regulations promulgated under said sections and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof. (Feb. 25, 1920, ch. 85, § 31, 41 Stat. 450.)

§ 188a. Surrender of leases.—The Secretary of the Interior is authorized to accept the surrender of any lease issued pursuant to any of the provisions of sections 181-194, 201, 202-208, 211-



214, 223-229, 241, 251, and 261-263 of this title, or any amendment thereof, where the surrender is filed in the General Land Office subsequent to the accrual but prior to the payment of the yearly rental due under the lease, upon payment of the accrued rental on a pro rata monthly basis for the portion of the lease year prior to the filing of the surrender. The authority granted to the Secretary of the Interior by this section shall extend only to cases in which he finds that the failure of the lessee to file a timely surrender of the lease prior to the accrual of the rental was not due to a lack of reasonable diligence, but it shall not extend to claims or cases which have been referred to the Department of Justice for purposes of suit. (Nov. 28, 1943, ch. 329, 57 Stat. 593.)

**§ 189. Rules and regulations; rights of States not affected.**—The Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title, also to fix and determine the boundary lines of any structure, or oil or gas field, for the purposes thereof. Nothing in said sections shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States. (Feb. 25, 1920, ch. 85, § 32, 41 Stat. 450.)

**§ 190. Oaths required, when.**—All statements, representations, or reports required by the Secretary of the Interior under sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title shall be upon oath, unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require. (Feb. 25, 1920, ch. 85, § 33, 41 Stat. 450.)

**§ 191. Disposition of moneys received.**—Ten per centum of all money received from sales, bonuses, royalties, and rentals under the provisions of sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for production prior to February 25, 1920, 70 per centum, and for production thereafter 52½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 491, and 498 of Title 43, and for production prior to such date 20 per centum, and for production thereafter 37½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public



schools or other public educational institutions, as the legislature of the State may direct. All moneys which may accrue to the United States hereunder from lands within the naval petroleum reserves shall be deposited in the Treasury as "miscellaneous receipts." (Feb. 25, 1920, ch. 85, § 35, 41 Stat. 450.)

**§ 192. Payment of royalties in oil or gas; sale of such oil or gas.**—All royalty accruing to the United States under any oil or gas lease or permit under sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale at not less than the marked price for such period, or accept the value thereof from the lessee. Pending the making of a permanent contract for the sale of any royalty oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price. Any royalty oil or gas may be sold at not less than the market price at private sale to any department or agency of the United States. (Feb. 25, 1920, ch. 85, § 36, 41 Stat. 451.)

**§ 193. Disposition of deposits of coal, and so forth.**—The deposits of coal, phosphate, sodium, potassium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits in Lander, Wyoming, coal entries numbered 18 to 49, inclusive, shall be subject to disposition only in the form and manner provided in sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title, except as to valid claims existent on February 25, 1920, and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery. (Feb. 25, 1920, ch. 85, § 37, 41 Stat. 451; Aug. 1, 1912, No. 38, 37 Stat. 1346; Feb. 7, 1927, ch. 66, § 5, 44 Stat. 1058.)

**§ 194. Fees and commissions of registers.**—Until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers of United States land offices on account of business transacted under the provisions of sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title. (Feb. 25, 1920, ch. 85, § 38, 41 Stat. 451; Mar. 3, 1925, ch. 462, 43 Stat. 1145.)



## 2. COAL.

**§ 201. Division of land into leasing tracts; offer and award of leases; prospecting permits; notice of proposed lease.**—The Secretary of the Interior is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the posits of coal, classified and unclassified, owned by the United States, outside of the Territory of Alaska, into leasing tracts of forty acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts, but in no case exceeding two thousand five hundred and sixty acres in any one leasing tract, and thereafter the Secretary of the Interior shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer such lands or deposits of coal for leasing, and shall award leases thereon by competitive bidding or by such other methods as he may by general regulations adopt, to any qualified applicant. He is authorized, in awarding leases for coal lands improved and occupied or claimed in good faith, prior to February 25, 1920, to consider and recognize equitable rights of such occupants or claimants. Where prospecting or exploratory work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped area, the Secretary of the Interior may issue, to applicants qualified under sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title, prospecting permits for a term of two years, for not exceeding two thousand five hundred and sixty acres; and if within said period of two years thereafter, the permittee shows to the Secretary that the land contains coal in commercial quantities, the permittee shall be entitled to a lease hereunder for all or part of the land in his permit. No lease of coal hereunder shall be approved or issued until after notice of the proposed lease, or offering for lease, has been given for thirty days in a newspaper of general circulation in the county in which the lands or deposits are situated. (Feb. 25, 1920, ch. 85, § 2, 41 Stat. 438.)

**§ 201a. Extension of coal prospecting permits.**—Any coal prospecting permit issued under section 201 of this title may be extended by the Secretary of the Interior for a period of two years, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to determine the existence or workability of coal deposits in the area covered by the permit and desires to prosecute further prospecting or exploration, or for other reasons in the opinion of the Secretary warranting such extension. (Mar. 9, 1928, ch. 159, § 1, 45 Stat. 251.)

**§ 202. Common carriers; limitations of lease or permit.**—No company or corporation operating a common-carrier railroad shall be given or hold a permit or lease under the provisions of sections 201-208 of this title for any coal deposits except for its own use for railroad purposes; and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations; and no such company or corporation shall receive or hold under permit or lease more than ten thousand two hundred and forty acres in the aggregate nor more than



one permit or lease for each two hundred miles of its railroad lines served or to be served from such coal deposits exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam.

Nothing in this section shall preclude such a railroad of less than two hundred miles in length from securing one permit or lease thereunder but no railroad shall hold a permit or lease for lands in any State in which it does not operate main or branch lines. (Feb. 25, 1920, ch. 85, § 2, 41 Stat. 438; June 13, 1944, ch. 244, 58 Stat. 275.)

**§ 203. Inclusion of additional lands in lease.**—Any person, association, or corporation holding a lease of coal lands or coal deposits under sections 201-208 of this title may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure modifications of his or its original lease by including additional coal lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate two thousand five hundred and sixty acres. (Feb. 25, 1920, ch. 85, § 3, 41 Stat. 439.)

**§ 204. Same; upon showing probability of exhaustion.**—Upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the existing lease, shall not exceed two thousand five hundred and sixty acres, through the same procedure and under the same conditions as in case of an original lease. (Feb. 25, 1920, ch. 85, § 4, 41 Stat. 439.)

**§ 205. Consolidation of leases.**—If, in the judgment of the Secretary of the Interior, the public interest will be subserved thereby, lessees holding under lease areas not exceeding the maximum permitted may consolidate their leases through the surrender of the original leases and the inclusion of such areas in a new lease of not to exceed two thousand five hundred and sixty acres of contiguous lands. (Feb. 25, 1920, ch. 85, § 5, 41 Stat. 439.)

**§ 206. Noncontiguous tracts in single lease.**—Where coal or phosphate lands aggregating two thousand five hundred and sixty acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease noncontiguous tracts which can be operated as a single mine or unit. (Feb. 25, 1920, ch. 85, § 6, 41 Stat. 439.)

**§ 207. Royalties; annual rentals; term of leases; development and operation.**—For the privilege of mining or extracting the



coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall not be less than 5 cents per ton of two thousand pounds, due and payable at the end of each third month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall not be less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods. The Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for. He may permit suspension of operation under such lease for not to exceed six months at any one time when market conditions are such that the lease cannot be operated except at a loss. (Feb. 25, 1920, ch. 85, § 7, 41 Stat. 439.)

§ 208. Permits to take coal for local domestic needs.—In order to provide for the supply of strictly local domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue limited licenses or permits to individuals or associations of individuals to prospect for, mine, and take for their use but not for sale, coal from the public lands without payment of royalty for the coal mined or the land occupied, on such conditions not inconsistent with sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title as in his opinion will safeguard the public interests. This privilege shall not extend to any corporations. In the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed three hundred and twenty acres for a municipality of less than one hundred thousand population, and not to exceed one thousand two hundred and eighty acres for a municipality of not less than one hundred thousand and not more than one hundred and fifty thousand population; and not to exceed two thousand five hundred and sixty acres for a municipality of one hundred and fifty thousand



population or more, the land to be selected within the State wherein the municipal applicant may be located upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit to residents of such municipality for household use: *Provided*, That the acquisition or holding of a lease under sections 181, 201, and 202-207 of this title shall be no bar to the holding of such tract or operation of such mine under said limited license. (Feb. 25, 1920, ch. 85, § 8, 41 Stat. 440.)

**§ 209. Suspension of rental and extension of lease on suspension of operations and production.**—In the event the Secretary of the Interior, in the interest of conservation, shall direct or shall assent to the suspension of operations and production of coal, oil, and/or gas under any lease granted under the terms of sections 201, 202-208, and 223-229 of this title, any payment of acreage rental prescribed by such lease likewise shall be suspended during such period of suspension of operations and production; and the term of such lease shall be extended by adding any such suspension period thereto: *Provided*, That nothing in this section shall be construed as affecting existing leases within the borders of the naval petroleum reserves and naval oil-share reserves. (Feb. 25, 1920, ch. 85, § 39; Feb. 9, 1933, ch. 45, 47 Stat. 798.)

### 3. PHOSPHATES

**§ 211. Authority to lease lands.**—The Secretary of the Interior is authorized to lease to any applicant qualified under sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title any lands belonging to the United States containing deposits of phosphates, under such restrictions and upon such terms as are herein specified, through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulation adopt. (Feb. 25, 1920, ch. 85, § 9, 41 Stat. 440.)

**§ 212. Amount of land included in lease; surveys.**—Each lease shall be for not to exceed two thousand five hundred and sixty acres of land to be described by the legal subdivisions of the public land surveys, if surveyed; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease, in accordance with rules and regulations prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such survey; deposits made to cover expense of surveys shall be deemed appropriated for that purpose; and any excess deposits shall be repaid to the person, association, or corporation making such deposits or their legal representatives. The land embraced in any one lease shall be in compact form, the length of which shall not exceed two and one-half times its width. (Feb. 25, 1920, ch. 85, § 10, 41 Stat. 440.)

**§ 213. Royalties; annual rentals; terms of leases; operation.**—For the privilege of mining or extracting the phosphates or phosphate rock covered by the lease the lessee shall pay to the



United States such royalties as may be specified in the lease, which shall be fixed by the Secretary of the Interior in advance of offering the same, which shall not be less than 2 per centum of the gross value of the output of phosphates or phosphate rock at the mine, due and payable at the end of each third month succeeding that of the sale or other disposition of the phosphates or phosphate rock, and an annual rental payable at the date of such lease and annually thereafter on the area covered by such lease at such rate as may be fixed by the Secretary of the Interior prior to offering the lease, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of a minimum annual production, except when operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions shall be made as the Secretary of the Interior shall determine unless otherwise provided by law at the time of the expiration of such periods. The Secretary of the Interior may permit suspension of operation under such lease for not exceeding twelve months at any one time when market conditions are such that the lease cannot be operated except at a loss. (Feb. 25, 1920, ch. 85, § 11, 41 Stat. 440.)

§ 214. Use of surface of other lands.—Any qualified applicant to whom the Secretary of the Interior may grant a lease to develop and extract phosphates, or phosphate rock, under the provisions of sections 211-214 of this title shall have the right to use so much of the surface of unappropriated and unentered lands, not exceeding forty acres, as may be determined by the Secretary of the Interior to be necessary for the proper prospecting for or development, extraction, treatment, and removal of such mineral deposits. (Feb. 25, 1920, ch. 85, § 12, 41 Stat. 441.)

#### 4. Oil and Gas

##### §§ 221-222h. Prospecting permits; terms and conditions; extensions.

Sections are omitted as having expired by their own terms. They provided as follows:

§ 221. Act Feb. 25, 1920, ch. 85, § 13, 41 Stat. 441, as amended by act Aug. 21, 1935, ch. 599, § 1, 49 Stat. 674, provided for prospecting permits, their terms and conditions, extension, location of lands, marking land, notice of application for permits, permits in Alaska, exchanging permits for leases, and limited extensions to December 31, 1938.

§ 222. Act Jan. 11, 1922, ch. 28, 42 Stat. 356, authorized Secretary of Interior to extend time for drilling not to exceed three years.

§§ 222a, 222b. Act Apr. 5, 1926, ch. 107, § 1, 44 Stat. 236, authorized a further extension of two years, and section 222b, which was section 2 of the same act, provided for extension of expired permits for period of two years from April 5, 1926.



§§ 222c, 222d. Act Mar. 9, 1928, ch. 163, § 1, 45 Stat. 252, gave authority to extend permits for two years, and by section 222d, which was section 2 of the act, authorized a two-year extension of permits already expired.

§§ 222e, 222f. Act Jan. 23, 1930, ch. 25, § 1, 46 Stat. 58, provided that permits issued or extended might be further extended for three years, and, by section 222f, which was section 2 of the act last cited, provided for an extension of permits already expired for a period of three years from January 23, 1930.

§§ 222g, 222h. Act June 30, 1932, ch. 319, § 1, 47 Stat. 445, provided for a further extension of three years, and by section 222h, which was section 2 of the act last cited, authorized an extension, for permits already expired, of three years from June 30, 1932.

#### COMPROMISE OF CLAIMS FOR ACCRUED RENTAL

Act July 29, 1942, ch. 534, § 2, 56 Stat. 726, provided as follows: "The Secretary of the Interior is authorized to make a compromise settlement of any claim for accrued rental under a lease issued pursuant to the provisions of section 13 of such Act of February 25, 1920, as amended (former section 221 of this title), in any case in which he determines that it would be financially beneficial to the United States to make such a compromise settlement or in any case in which he determines that collection of the full amount of such accrued rental from the lessee is inadvisable because of the lessee's financial resources being limited."

§ 222i. Final extension of oil and gas permits.—Oil and gas prospecting permits issued under authority of sections 181-184, 185-194, 201, 202-208, 211-214, 223-229, 241, 251 and 261-263 of this title, outstanding on December 31, 1937, (a) which have been committed in whole or in part to a cooperative or unit plan of development and operation that on December 31, 1937, has been approved or prescribed by the Secretary of the Interior, or is in process of revision or reconsideration pursuant to prior review, without rejection in the Department of the Interior; or (b) which, together with one or more other permits, have been committed in whole or in part to a cooperative or unit plant of development and operation for the whole of any single oil or gas pool or field (or reasonably compact area) that was filed before January 1, 1937, and rejected pursuant to instructions of said Secretary; or (c) under which approved drilling was actively in progress at some time within the calendar year 1937; or (d) under which at least one well shall have been drilled to a depth of not less than two thousand feet subsequent to August 21, 1935, and prior to January 1, 1939 or (e) which have been issued subsequent to August 21, 1935, and for which timely compliance has been made with the drilling requirements of section 221 of this title, to the extent required by December 31, 1937, or, in the absence of such timely drilling, for which an acceptable cooperative or unit plan of development and operation has been filed on or before said date are all hereby extended to December 31, 1939, the provisions of any other Act or Acts to the contrary notwithstanding, subject, however, to the applicable conditions of the permits and of unfulfilled conditions of any prior extensions. All oil and gas prospecting permits shall cease and terminate without notice of cancelation on the final date of their current term, including any extension herein granted, and no extension of any permit beyond December 31, 1939, shall be granted under the authority of this section or any other Act. (Aug. 26, 1937, ch. 828, 50 Stat. 842; Aug. 11, 1939, ch. 716, 53 Stat. 1418.)



§ 223. Leases; amount and survey of land; term of lease; royalties and annual rental.—Upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit. The permittee shall be granted a lease for as much as one hundred and sixty acres of said lands, if there be that number of acres within the permit. The area to be selected by the permittee, shall be in compact form and, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of twenty years upon a royalty of 5 per centum in amount or value of the production and the annual payment in advance of a rental of \$1 per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, and shall continue in force otherwise as prescribed in section 226 of this title for leases issued prior to August 21, 1935. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per centum in amount or value of the production nor more than the royalty rate prescribed by regulation in force on January 1, 1935, for secondary leases issued under this section, and under such other conditions as are fixed for oil or gas leases issued under section 226 of this title the royalty to be determined by competitive bidding or fixed by such other method as the Secretary may by regulations prescribe: *Provided*, That the Secretary shall have the right to reject any or all bids. (Feb. 25, 1920, ch. 85, § 14, 41 Stat. 442; Aug. 21, 1935, ch. 599, § 1, 49 Stat. 676.)

#### LIMITATION OF ROYALTY ON DISCOVERIES DURING WAR PERIOD

Act Dec. 24, 1942, ch. 812, 56 Stat. 1080, provided: "During the period of the national emergency proclaimed by the President May 27, 1941 (Proclamation Numbered 2487) (set out preceding section 1 of Appendix to Title 50), upon a determination by the Secretary of the Interior that a new oil or gas field or deposit has been discovered by virtue of a well or wells drilled within the boundaries of any lease issued pursuant to the provisions of the Act, approved February 25, 1920, as amended (U. S. C., Title 30, secs. 181-263), the royalty obligation of the lessee who drills such well or wells to the United States as to such new deposit shall be limited for a period of ten years following the date of such discovery to a flat rate of 12½ per centum in amount or value of all oil or gas produced from the lease."

§ 223a. New leases in lieu of old; terms and conditions.—(a) The Secretary of the Interior is authorized to issue new leases to lessees holding oil or gas leases under any of the provisions of sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251 and 261-263 of this title on August 21, 1935, such new leases to be in lieu of the leases then held by such lessees and to be at a



royalty rate of not less than  $12\frac{1}{2}$  per centum in amount or value of the production and upon such other terms and conditions as the Secretary of the Interior shall by general rule prescribe: *Provided*, That no limitation of acreage not provided for under the law or regulations under which any such old lease was issued shall be applicable to any such new lease.

• (b) Nothing contained in this amendatory Act shall be construed to affect the validity of oil and gas prospecting permits or leases previously issued under the authority of sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251 and 261-263 of this title, and in existence on August 21, 1935, or impair any rights or privileges which have accrued under such permits or leases. (Aug. 21, 1935, ch. 599, § 2, 49 Stat. 679.)

§ 224. **Payments for oil or gas taken prior to application for lease.**—Until the permittee shall apply for lease to the one quarter of the permit area heretofore provided for he shall pay to the United States 20 per centum of the gross value of all oil or gas secured by him from the lands embraced within his permit and sold or otherwise disposed of or held by him for sale or other disposition. (Feb. 25, 1920, ch. 85, § 15, 41 Stat. 442.)

§ 225. **Conditions of permit or lease; forfeiture for violations.**—All permits and leases of lands containing oil or gas, made or issued under the provisions of sections 223-229 of this title, shall be subject to the condition that no wells shall be drilled within two hundred feet of any of the outer boundaries of the lands so permitted or leased, unless the adjoining lands have been patented or the title thereto otherwise vested in private owners, and to the further condition that the permittee or lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit or lease, to be enforced through appropriate proceedings in courts of competent jurisdiction. (Feb. 25, 1920, ch. 85, § 16, 41 Stat. 443.)

§ 226. **Lease of unappropriated deposits of oil or gas in producing oil or gas field; royalties and annual rentals; cancellation of leases.**—All lands subject to disposition under sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251 and 261-263 of this title which are known or believed to contain oil or gas deposits, except as herein otherwise provided, may be leased by the Secretary of the Interior after August 21, 1935, to the highest responsible qualified bidder by competitive bidding under general regulations. Such lands shall be leased in units of not exceeding six hundred and forty acres, which shall be as nearly compact in form as possible. Such leases shall be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall be not less than  $12\frac{1}{2}$  centum in amount or value of the production and the payment in advance of a rental to be fixed in the lease of not less than 25 cents per acre per annum, which rental except as otherwise herein provided shall not be waived, suspended, or reduced unless and until



a valuable deposit of oil or gas shall have been discovered within the lands leased: *Provided*, That the rental paid for any one year shall be credited against the royalties as they accrue for that year: *Provided further*, That in the event the Secretary of the Interior shall direct or shall assent to the suspension of operations or of production of oil or gas under any such lease, any payment of acreage rental as herein provided shall likewise be suspended during such period of suspension of operations or production: *And provided further*, That in the case of leases valuable only for the production of gas the Secretary of the Interior upon showing by the lessee that the lease cannot be successfully operated upon such rental or upon the royalty provided in the lease, may waive, suspend, or reduce such rental or reduce such royalty.

The Secretary of the Interior, for the purpose of more properly conserving the oil or gas resources of any area, field, or pool, may require that leases issued after August 21, 1935 under sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251 and 261-263 of this title be conditioned upon an agreement by the lessee to operate, under such reasonable cooperative or unit plan for the development and operation of any such area, field, or pool as said Secretary may determine to be practicable and necessary or advisable, which plan shall adequately protect the rights of all parties in interest, including the United States: *Provided*, That all leases operated under such plan approved or prescribed by said Secretary shall be excepted in determining holdings or control under the provisions of sections 181-194, 201, 202-208, 211-214, 223-229, 241, 256 and 261-263 of this title.

Leases issued after August 21, 1935 under this section shall be for a period of five years and so long thereafter as oil or gas is produced in paying quantities when the lands to be leased are not within any known geological structure of a producing oil or gas field, and for a period of ten years and so long thereafter as oil or gas is produced in paying quantities when the lands to be leased are within any known geological structure of a producing oil or gas field: *Provided*, That no such lease shall be deemed to expire by reasons of suspension of prospecting, drilling, or production pursuant to any order or consent of the said Secretary: *Provided further*, That the person first making application for the lease of any lands not within any known geologic structure of a producing oil or gas field who is qualified to hold a lease under sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title, including applicants for permits whose applications were filed after ninety days prior to August 21, 1935 shall be entitled to a preference right over others to a lease of such lands without competitive bidding at a royalty, in the case of oil, of 12½ per centum in amount or value of the production when the said production does not exceed fifty barrels per well per day for the calendar month and of not less than 12½ per centum in amount or value of the production when the said production exceeds fifty barrels per well per day for the calendar month, and, in the case of gas, at a royalty of 12½ per centum in amount or value of the production when the said production does not exceed five million cubic feet per well per day for the



calendar month and, when the said production exceeds five million cubic feet per well per day for the calendar month, at a royalty of not less than  $12\frac{1}{2}$  per centum in amount or value of the production.

Leases issued prior to August 21, 1935 shall continue in force and effect in accordance with the terms of such leases and the laws under which issued: *Provided*, That any such lease that has become the subject of a cooperative or unit plan of development or operation, or other plan for the conservation of the oil and gas of a single area, field, or pool, which plan has the approval of the Secretary of the Department or Departments having jurisdiction over the Government lands included in said plan as necessary or convenient in the public interest, shall continue in force beyond said period of twenty years until the termination of such plan: *And provided further*, That said Secretary or Secretaries shall report all leases so continued to Congress at the beginning of its next regular session after the date of such continuance.

Any cooperative or unit plan of development and operation, which includes lands owned by the United States, shall contain a provision whereby authority, limited as therein provided, is vested in the Secretary of the department or departments having jurisdiction over such land to alter or modify from time to time in his discretion the rate of prospecting and development and the quantity and rate of production under said plan. The Secretary of the Interior is authorized whenever he shall deem such action necessary or in the public interest, with the consent of lessee, by order to suspend or modify the drilling or producing requirements of any oil and gas lease not subject to such a cooperative or unit plan, and no lease shall be deemed to expire by reason of the suspension of production pursuant to any such order.

Whenever it appears to the Secretary of the Interior that wells drilled upon lands not owned by the United States are draining oil or gas from lands or deposits owned in whole or in part by the United States, the Secretary of the Interior is hereby authorized and empowered to negotiate agreements whereby the United States or the United States and its permittees, lessees, or grantees shall be compensated for such drainage, such agreements to be made with the consent of the permittees and lessees affected thereby.

Whenever the average daily production of the oil wells on an entire leasehold or on any tract or portion thereof segregated for royalty purposes shall not exceed ten barrels per well per day, or where the cost of production of oil or gas is such as to render further production economically impracticable the Secretary of the Interior, for the purpose of encouraging the greatest ultimate recovery of oil and in the interest of conservation of natural resources, is authorized to reduce the royalty on future production when in his judgment the wells cannot be successfully operated upon the royalty fixed in the lease. The provision of this paragraph shall apply to all oil and gas leases issued under sections 181-194, 201, 202-208, 211-214, 223-229, 241, 251 and 261-263 of this title, including those within an approved cooperative or unit plan of development and operation.



Any lease issued after August 21, 1935 under the provisions of this section, except those earned as a preference right as provided in section 223 of this title, shall be subject to cancelation by the Secretary of the Interior after thirty days' notice upon the failure of the lessee to comply with any of the provisions of the lease, unless or until the land covered by any such lease is known to contain valuable deposits of oil or gas. Such notice in advance of cancelation shall be sent the lease owner by registered letter directed to the lease owner's record postoffice address, and in case such letter shall be returned as undelivered, such notice shall also be posted for a period of thirty days in the United States Land Office for the district in which the land covered by such lease is situated, or in the event that there is no district land office for such leased land, then in the post office nearest such land. Leases covering lands known to contain valuable deposits of oil or gas shall be cancelled only in the manner provided in section 188 of this title. (Feb. 25, 1920, ch. 85, § 17, 41 Stat. 443; July 3, 1930, ch. 854, § 1, 46 Stat. 1007; Mar. 4, 1931, ch. 506, 46 Stat. 1523; Aug. 21, 1935, ch. 599, § 1, 49 Stat. 676.)

§ 226a. Lease of lands not within known productive field; waiver of rentals.—The Secretary of the Interior, in the case of lands not within any known geologic structure of a productive oil or gas field, shall waive the rental stipulated in oil and gas leases issued pursuant to section 226 of this title, for the second and third lease years, unless a valuable deposit of oil or gas be sooner discovered. (July 8, 1940, ch. 548, 54 Stat. 742.)

§ 226b. Same; preference right to new lease upon expiration of five-year noncompetitive oil and gas lease.—Upon the expiration of the five-year term of any noncompetitive oil and gas lease issued pursuant to the provisions of the Act of August 21, 1935 (49 Stat. 674), amending sections 185, 221, 223, and 226 of this title and maintained in accordance with the applicable statutory requirements and regulations, the record title holder shall be entitled to a preference right over others to a new lease for the same land pursuant to the provisions of section 226 of this title and under such rules and regulations as are then in force, if he shall file an application therefor within ninety days prior to the date of the expiration of the lease. The preference right herein granted shall not apply to lands which on the date of the expiration of a lease are within the known geologic structure of a producing oil or gas field. The term of any five-year lease expiring prior to December 31, 1945, maintained in accordance with the applicable statutory requirements and regulations and for which no preference right to a new lease is granted by this section, is hereby extended to December 31, 1945. (July 29, 1942, ch. 534, § 1, 56 Stat. 726, as amended Dec. 22, 1943, ch. 376, 57 Stat. 608; Sept. 27, 1944, ch. 429, 58 Stat. 755.)

§ 227. Leases to persons relinquishing rights under prior claims on withdrawn lands under preexisting placer mining law; claims on naval petroleum reserves; fraud of claimant; adjustment; of suits.—Upon relinquishment to the United States, filed in the General Land Office within six months after February 25, 1920, of all right, title, and interest claimed and possessed prior



to July 3, 1910, and continuously since by the claimant or his predecessor in interest under the preexisting placer mining law to any oil- or gas-bearing land upon which there has been drilled one or more oil or gas wells to discovery embraced in the Executive order of withdrawal issued September 27, 1909, and not within any naval petroleum reserve, and upon payment as royalty to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced except oil or gas used for production purposes on the claim, or unavoidably lost, from such land, the claimant, or his successor, if in possession of such land, undisputed by any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of twenty years, at a royalty of not less than  $12\frac{1}{2}$  per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided*, That not more than one-half of the area, but in no case to exceed three thousand two hundred acres, within the geologic oil or gas structure of a producing oil or gas field shall be leased to any one claimant under the provision of this section when the area of such geologic oil structure exceeds six hundred and forty acres. Any claimant or his successor, subject to this limitation, shall, however, have the right to select and receive the lease as in this section provided for that portion of his claim or claims equal to, but not in excess of, said one-half of the area of such geologic oil structure, but not more than three thousand two hundred acres.

All such leases shall be made and the amount of royalty to be paid for oil and gas produced, except oil or gas used for production purposes on the claim, or unavoidably lost, after the execution of such lease shall be fixed by the Secretary of the Navy under appropriate rules and regulations: *Provided, however*, That as to all like claims situate within any naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within six hundred and sixty feet of any such leased well without the consent of the lessee: *Provided, however*, That the President may, in his discretion, lease the remainder or any part of any such claim upon which such wells have been drilled, and in the event of such leasing said claimant or his successor shall have a preference right to such lease: *And provided further*, That he may permit the drilling of additional wells by the claimant or his successor within the limited area of six hundred and sixty feet theretofore provided for upon such terms and conditions as he may prescribe.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

Upon the delivery and acceptance of the lease, as in this section provided, all suits brought by the Government affecting such land may be settled and adjusted in accordance herewith and all



moneys impounded in such suits or under section 104 of this title shall be paid over to the parties entitled thereto. In case of conflicting claimants for leases under this section, the Secretary of the Interior is authorized to grant leases to one or more of them as shall be deemed just. All leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear, subject, however, to the same limitation as to area and acreage as is provided for claimant in this section: *Provided*, That no claimant acquiring any interest in such lands since September 1, 1919, from a claimant on or since said date claiming or holding more than the maximum allowed claimant under this section shall secure a lease thereon or any interest therein, but the inhibition of this proviso shall not apply to an exchange of any interest in such lands made prior to the 1st day of January 1920, which did not increase or reduce the area or acreage held or claimed in excess of said maximum by either party to the exchange: *Provided further*, That no lease or leases under this section shall be granted, nor shall any interest therein, inure to any person, association, or corporation for a greater aggregate area or acreage than the maximum in this section provided for. (Feb. 25, 1920, ch. 85, § 18, 41 Stat. 443; Feb. 25, 1928, ch. 104, 45 Stat. 148.)

§ 228. Prospecting permits and leases to persons of lands not withdrawn; terms and conditions of; fraud of claimants.— Any person who on October 1, 1919, was a bona fide occupant or claimant of oil or gas lands under a claim initiated while such lands were not withdrawn from oil or gas location and entry, and who had previously performed all acts under then existing laws necessary to valid locations thereof except to make discovery, and upon which discovery had not been made prior to February 25, 1920, and who has performed work or expended on or for the benefit of such locations an amount equal in the aggregate to \$250 for each location if application therefor shall be made within six months from February 25, 1920, shall be entitled to prospecting permits thereon upon the same terms and conditions, and limitations as to acreage, as other permits provided for in sections 223-229 of this title, or where any such person has made such discovery, prior to said February 25, 1920, he shall be entitled to a lease thereon under such terms as the Secretary of the Interior may prescribe unless otherwise provided for in section 227 of this title: *Provided*, That where such prospecting permit is granted upon land within any known geologic structure of a producing oil or gas field, the royalty to be fixed in any lease thereafter granted thereon or any portion thereof shall be not less than 12½ per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided, however*, That the provisions of this section shall not apply to lands reserved for the use of the Navy. No claimant for a permit or lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly



and in good faith shall be entitled to any of the benefits of this section.

All permits or leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear. (Feb. 25, 1920, ch. 85, § 19, 41 Stat. 445.)

**§ 229. Preference right to permits or leases of claimants of lands bona fide entered as agricultural land; terms and conditions.**—In the case of lands bona fide entered as agricultural, and not withdrawn or classified as mineral at the time of entry, but not including lands claimed under any railroad grant, the entryman or patentee, or assigns, where assignment was made prior to January 1, 1918, if the entry has been patented with the mineral right reserved, shall be entitled to a preference right to a permit and to a lease, as herein provided, in case of discovery; and within an area not greater than a township such entryman and patentees, or assigns holding restricted patents may combine their holdings, not to exceed two thousand five hundred and sixty acres for the purpose of making joint application. Leases executed under this section and embracing only lands so entered shall provide for payment of a royalty of not less than 12½ per centum as to such areas within the permit as may not be included within the discovery lease to which the permittee is entitled under section 223 of this title. (Feb. 25, 1920, ch. 85, § 20, 41 Stat. 445.)

**§ 229a. Water struck while drilling for oil or gas; acquisition and disposition by Secretary of the Interior.**—(a) All prospecting permits and leases for oil or gas made or issued under the provisions of sections 223-229 of this title shall be subject to the condition that in case the permittee or lessee strikes water while drilling instead of oil or gas, the Secretary of the Interior may, when such water is of such quality and quantity as to be valuable and usable at a reasonable cost for agricultural, domestic, or other purposes, purchase the casing in the well at the reasonable value thereof to be fixed under rules and regulations to be prescribed by the Secretary: *Provided*, That the land on which such well is situated shall be reserved as a water hole under section 300 of Title 43.

(b) In case where water wells producing such water have heretofore been or may hereafter be drilled upon lands embraced in any prospecting permit or lease heretofore issued under sections 223-229 of this title, the Secretary may in like manner purchase the casing in such wells.

(c) The Secretary may make such purchase and may lease or operate such wells for the purpose of producing water and of using the same on the public lands or of disposing of such water for beneficial use on other lands, and where such wells have heretofore been plugged or abandoned or where such wells have been drilled prior to the issuance of any permit or lease by persons not in privity with the permittee or lessee, the Secretary may develop the same for the purposes of this section: *Provided*, That owners or occupants of lands adjacent to those upon which such water wells may be developed shall have a preference right to make beneficial use of such water.



(d) The Secretary may use so much of any funds available for the plugging of wells as he may find necessary to start the program provided for by this section, and thereafter he may use the proceeds from the sale or other disposition of such water as a revolving fund for the continuation of such program, and such proceeds are hereby appropriated for such purpose.

(e) Nothing in this section shall be construed to restrict operations under any oil or gas lease or permit under sections 223-229 of this title. (Feb. 25, 1920, ch. 85, § 40; June 16, 1934, ch. 557, 48 Stat. 977.)

## 5. OIL SHALE

**§ 241. Authority to make lease; survey of land; term of lease; royalties and annual rentals; rights of existing claimants.—**The Secretary of the Interior is authorized to lease to any person or corporation qualified under this section and sections 181-184, 185-194, 201, 202-208, 211-214, 223-229, 251, and 261-263 of this title any deposits of oil shale belonging to the United States and the surface of so much of the public lands containing such deposits, or land adjacent thereto, as may be required for the extraction and reduction of the leased minerals, under such rules and regulations, not inconsistent with such sections, as he may prescribe. No lease hereunder shall exceed five thousand one hundred and twenty acres of land, to be described by the legal subdivisions of the public-land surveys, or if unsurveyed, to be surveyed by the United States, at the expense of the applicant, in accordance with regulations to be prescribed by the Secretary of the Interior. Leases may be for indeterminate periods, upon such conditions as may be imposed by the Secretary of the Interior, including covenants relative to methods of mining, prevention of waste, and productive development. For the privilege of mining, extracting, and disposing of the oil or other minerals covered by a lease under this section the lessee shall pay to the United States such royalties as shall be specified in the lease and an annual rental, payable at the beginning of each year, at the rate of 50 cents per acre per annum, for the lands included in the lease, the rental paid for any one year to be credited against the royalties accruing for that year; such royalties to be subject to readjustment at the end of each twenty-year period by the Secretary of the Interior. For the purpose of encouraging the production of petroleum products from shales the Secretary may, in his discretion, waive the payment of any royalty and rental during the first five years of any lease. Any person having a valid claim to such minerals under existing laws on January 1, 1919, shall, upon the relinquishment of such claim, be entitled to a lease under the provisions of this section for such area of the land relinquished as shall not exceed the maximum area authorized by this section to be leased to an individual or corporation. No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section. Not more than one lease shall be granted under



this section to any one person, association, or corporation. (Feb. 25, 1920, ch. 85, § 21, 41 Stat. 445.)

#### 6. ALASKA OIL PROVISIO

**§ 251. Prospecting permits or leases to claimants of withdrawn lands; terms and conditions; fraud of claimants.**—Any bona fide occupant or claimant of oil- or gas-bearing lands in the Territory of Alaska, who, or whose predecessors in interest, prior to withdrawal had complied otherwise with the requirements of the mining laws, but had made no discovery of oil or gas in wells and who prior to withdrawal had made substantial improvements for the discovery of oil or gas on or for each location or had prior to February 25, 1920, expended not less than \$250 in improvements on or for each location shall be entitled, upon relinquishment or surrender to the United States within one year from February 25, 1920, or within six months after final denial or withdrawal of application for patent, to a prospecting permit or permits, lease or leases, under this section and sections 181-184, 185-194, 201, 202-208, 211-214, 223-229, 241, and 261-263 of this title covering such lands, not exceeding five permits or leases in number and not exceeding an aggregate of one thousand two hundred and eighty acres in each. Leases in Alaska under such sections whether as a result of prospecting permits or otherwise shall be upon such rental and royalties as shall be fixed by the Secretary of the Interior and specified in the lease, and be subject to readjustment at the end of each twenty-year period of the lease. For the purpose of encouraging the production of petroleum products in Alaska the Secretary may, in his discretion, waive the payment of any rental or royalty not exceeding the first five years of any lease.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith shall be entitled to any of the benefits of this section. (Feb. 25, 1920, ch. 85, § 22, 41 Stat. 446.)

#### 7. SODIUM

**§ 261. Prospecting permits; lands included.**—The Secretary of the Interior is authorized, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium, in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall not exceed two thousands five hundred and sixty acres of land in reasonably compact form. (Feb. 25, 1920, ch. 85, § 23, 41 Stat. 447; Dec. 11, 1928, ch. 19, 45 Stat. 1019.)

**262. Leases to permittees; survey of lands; royalties and annual rentals.**—Upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in section 261 of this title have been discovered by the permittee within the area covered by his permit and that such



land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit at a royalty of not less than 2 per centum of the quantity or gross value of the output of sodium compounds and other related products at the point of shipment to market; the lands in such lease to be taken in compact form by legal subdivisions of the public land surveys or, if the land be not surveyed, by survey executed at the cost of the permittee in accordance with regulations prescribed by the Secretary of the Interior. Lands known to contain valuable deposits of one of the substances enumerated in section 261 of this title and not covered by permits or leases shall be subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt and in such areas as he shall fix, not exceeding two thousand five hundred and sixty acres. All leases under this section shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, not less than 2 per centum of the quantity or gross value of the output of sodium compounds and other related products at the point of shipment to market, and the payment in advance of a rental of 25 cents per acre for the first calendar year or fraction thereof, 50 cents per acre for the second, third, fourth, and fifth calendar years respectively; and \$1 per acre per annum thereafter during the continuance of the lease, such rental for any one year to be credited against royalties accruing for that year. Leases under this section shall be for a period of twenty years, with preferential rights in the lessee to renew for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior unless otherwise provided by law at the expiration of such period: *Provided*, That nothing in sections 181, 184, 185-194, 201, 202-208, 211-214, 223-229, 241, 251, and 261-263 of this title shall prohibit the mining and sale of sodium compounds under potassium leases issued pursuant to sections 141-152 of this title, and sections 281-286 of this title, nor the mining and sale of potassium compounds as a byproduct from sodium leases taken under this section: *Provided further*, That on application by any lessee the Secretary of the Interior is authorized to modify the rental and royalty provisions stipulated in any existing sodium lease to conform to the provisions of this section. (Feb. 25, 1920, ch. 85, § 24, 41 Stat. 447; Dec. 11, 1928, ch. 19, 45 Stat. 1019.)

§ 263. **Permits to use or lease of nonmineral lands for camp sites, and so forth.**—In addition to areas of such mineral land which may be included in any such prospecting permits or leases, the Secretary of the Interior, in his discretion, may grant to a permittee or lessee of lands containing sodium deposits, and subject to the payment of an annual rental of not less than 25 cents per acre, the exclusive right to use, during the life of the permit or lease a tract of unoccupied nonmineral public land, not exceeding forty acres in area, for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease. (Feb. 25, 1920, ch. 85, § 25, 41 Stat. 447.)



## 9. POTASH

§ 281. Prospecting permits for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium; authorization; lands affected.—The Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates or nitrates of potassium in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such permit shall not exceed two thousand five hundred and sixty acres of land in reasonably compact form: *Provided further*, That the prospecting provisions of this section and sections 282-285 of this title shall not apply to lands and deposits in or adjacent to Searles Lake, California, which lands may be leased by the Secretary of the Interior under the terms and provisions of said sections. (Feb. 7, 1927, ch. 66, § 1, 44 Stat. 1057.)

§ 282. Leases to permittees of lands showing valuable deposits; royalty.—Upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in sections 281-285 of this title has been discovered by the permittee within the area covered by his permit, and that such land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit, at a royalty of not less than 2 per centum of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market, such lease to be taken in compact form by legal subdivisions of the public land surveys, or if the land be not surveyed, by survey executed at the cost of the permittee in accordance with regulations prescribed by the Secretary of the Interior. (Feb. 7, 1927, ch. 66, § 2, 44 Stat. 1057.)

§ 283. Lands containing valuable deposits and not covered by permits or leases; authority to lease; conditions; partial exemptions from rental and royalty of leases resulting from prospecting permits.—Lands known to contain valuable deposits enumerated in sections 281-285 of this title and not covered by permits or leases shall be held subject to lease by the Secretary of the Interior through advertisements, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding two thousand five hundred and sixty acres; all leases to be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, not less than 2 per centum of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market, and the payment of a rental of 25 cents per acre for the first calendar year or fraction thereof; 50 cents per acre for the second, third, fourth, and fifth years, respectively; and \$1 per acre per annum thereafter during the continuance of the lease, such rental for any year being credited against royalties accruing for that year. Leases under sections 281-285 of this title shall be for a period of 20 years, with preferential right in the lessee to re-



new the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the expiration of such periods. In the discretion of the Secretary of the Interior the area involved in any lease resulting from a prospecting permit may be exempt from any rental in excess of 25 cents per acre for twenty years succeeding its issue, and the production of potassium compounds under such a lease may be exempt from any royalty in excess of the minimum prescribed in said sections for the same period. (Feb. 7, 1927, ch.66, § 3, 44 Stat. 1057.)

**§ 284. Lands containing coal or other minerals in addition to potassium deposits; issuance of prospecting permits and leases; covenants in potassium leases.**—Prospecting permits or leases may be issued under the provisions of section 281-285 of this title for deposits of potassium in public lands, also containing deposits of coal or other minerals, on condition that such other deposits be reserved to the United States for disposal under appropriate laws: *Provided*, That if the interests of the Government and of the lessee will be subserved thereby, potassium leases may include covenants providing for the development by the lessee of chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium, magnesium, aluminum, or calcium, associated with the potassium deposits leased, on terms and conditions not inconsistent with the sodium provisions of sections 261 and 263 of this title: *Provided further*, That where valuable deposits of mineral now subject to disposition under the general mining laws are found in fissure veins or any of the lands subject to permit or lease under sections 281-285 of this title, the valuable minerals so found shall continue subject to disposition under the said general mining laws notwithstanding the presence of potash therein. (Feb. 7, 1927, ch. 66, § 4, 44 Stat. 1058.)

**§ 285. Laws applicable.**—The general provision of sections 181-184, 185-194, inclusive, of this title are made applicable to permits and leases under sections 281-284 of this title. (Feb. 7, 1927, ch. 66, § 5, 44 Stat. 1058.)

**§ 286. Repeal of sections 141 to 152; effect on pending applications.**

Section, act Feb. 7, 1927, ch. 66, § 6, 44 Stat. 1058, provided that repeal of sections 141-152 of this title should not affect pending applications for permits or leases filed prior to January 1, 1926, or valid claims existent on February 7, 1927.

**§ 287. Extension of prospecting permits.**—Any prospecting permit issued under sections 281-284 of this title may be extended by the Secretary of the Interior for a period not exceeding two years, upon a showing of satisfactory cause. (Feb. 7, 1927, ch. 66, § 7; May 7, 1932, ch. 174, 47 Stat. 151.)

#### LEASE OF OIL AND GAS DEPOSITS IN OR UNDER RAILROADS AND OTHER RIGHTS-OF-WAY

**§ 301. Authorization for lease of oil and gas deposits; by and to whom leased.**—Whenever the Secretary of the Interior shall



deem it to be consistent with the public interest he is authorized to lease deposits of oil and gas in or under lands embraced in railroad or other rights of way acquired under any law of the United States, whether the same be a base fee or mere easement: *Provided*, That, except as hereinafter authorized, no lease shall be executed hereunder except to the municipality, corporation, firm, association, or individual by whom such right of way was acquired, or to the lawful successor, assignee, or transferee of such municipality, corporation, firm, association, or individual. (May 21, 1930, ch. 307, § 1, 46 Stat. 373.)

§ 302. Assignment of lease; subletting.—The right conferred by sections 301-306 of this title may, subject to the approval of the Secretary of the Interior, be assigned or sublet by the owner thereof to any corporation, firm, association, or individual. (May 21, 1930, ch. 307, § 2, 46 Stat. 3773.)

§ 303. Conditions precedent to award of lease; preferred class; bidding.—Prior to the award of any lease under section 301 of this title, the Secretary of the Interior shall notify the owner or lessee of adjoining lands and allow him a reasonable time, to be fixed in the notice given within which to submit an offer or bid of the amount or percentage of compensatory royalty that such owner will agree to pay for the extraction through wells on his or its adjoining land, of the oil or gas under and from such adjoining right of way, and at the same time afford the holder of the railroad or other right of way a like opportunity within the same time to submit its bid or offer as to the amount or percentage of royalty it will agree to pay, if a lease for the extraction of the oil and gas deposits under the right of way be awarded to the holder of such right of way. In case of competing offers by the said parties in interest, the Secretary shall award the right to extract the oil and gas to the bidder, duly qualified, making the offer in his opinion most advantageous to the United States. In case but one bid or offer is received after notice duly given, he may, in his discretion, award the right to extract the oil and gas to such bidder. (May 21, 1930, ch. 307, § 3, 46 Stat. 374.)

§ 304. Provisions authorized in lease.—Any lease granted by the Secretary of the Interior pursuant to sections 301-306 of this title may, in the discretion of said Secretary, contain a provision giving the lessee the right, with the approval of said Secretary, to shut down the operation of any well or wells the operation of which has become unprofitable, to resume operations when such resumption may result in profit, and to abandon any well or wells that cease to produce oil and/or gas in paying quantities. (May 21, 1930, ch. 307, § 4, 46 Stat. 374.)

§ 305. Royalties under lease.—The royalties to be paid to the United States under any lease to be issued, or agreement made pursuant to sections 301-306 of this title, shall be determined by the Secretary of the Interior, in no case to be less than 12½ per centum in amount or value of the production, nor for more than twenty years: *Provided*, That when the oil or gas is produced from land adjacent to the right of way the amount or value of the royalty to be paid to the United States shall be within the



discretion of the Secretary of the Interior: *Provided further*, That when the daily average production of any oil well does not exceed ten barrels per day said Secretary may, in his discretion, reduce the royalty on subsequent production. (May 21, 1930, ch. 307, § 5, 46 Stat. 374.)

§ 306. Rules and regulations.—The Secretary of the Interior is authorized and directed to adopt rules and regulations governing the exercise of the discretion and authority conferred by sections 301-306 of this title, which rules and regulations shall constitute a part of any application or lease hereunder. (May 21, 1930, ch. 307, § 6, 46 Stat. 374.)

#### SYNTHETIC LIQUID FUEL DEMONSTRATION PLANTS

§ 321. Construction and operation of plants producing synthetic liquid fuel from coal, oil shale, agricultural and forestry products, size; amount of production.—The Secretary of the Interior, acting through the Bureau of Mines, within the limits of critical materials available, is authorized for not more than five years to construct, maintain, and operate one or more demonstration plants to produce synthetic liquid fuels from coal, oil shale, and other substances, and one or more demonstration plants to produce liquid fuels from agricultural and forestry products, with all facilities and accessories for the manufacture, purification, storage, and distribution of the products. The plants shall be of the minimum size which will allow the Government to furnish industry for necessary cost and engineering data for the development of a synthetic liquid-fuel industry and of such size that the combined product of all the plants constructed in accordance with this chapter will not constitute a commercially significant amount of the total national commercial sale and distribution of petroleum and petroleum products. Any activities under this chapter relating to the production of liquid fuels from agricultural and forestry products shall be carried out in cooperation with the Department of Agriculture and subject to the direction of the Secretary of Agriculture. (Apr. 5, 1944, ch. 172, § 1, 58 Stat. 190.)

#### APPROPRIATION

Section 6 of act April 5, 1944, cited to text, provided: "There is authorized to be appropriated not to exceed the sum of \$30,000,000 to carry out the provisions of this Act [this chapter]."

§ 322. Laboratory research and development; acquisition by purchase and license of secret processes, inventions, etc.; acquisition of land, plants, etc.; contracting for personnel; cooperation with other Federal and State agencies.—In order to carry out the purpose of this chapter, the Secretary of the Interior is authorized—

(a) to conduct laboratory research and development work, and with pilot plants and semiworks plants to make careful process engineering studies along with structural engineering studies in order to ascertain lowest investment and operating costs, necessary to determine the best demonstration plant designs and conditions of operation;

(b) to acquire, by purchase, license, lease for term of years or less, or donation, secret processes, technical data, inventions,



patent applications, patents, irrevocable nonexclusive licenses, and other rights and licenses under patents granted by this or any other nation; to acquire by purchase, lease for a term of years or less, or donation, land, and any interest in land (including easements and leasehold interests), options on real or personal property, and plants and their facilities; to assume the obligation to pay rentals in advance on property so acquired, and to pay damages arising out of the use of any such property: *Provided, however,* That the maximum quantity of land or any interest therein, or any other property, acquired hereunder shall not exceed that necessary to carry on any experiment for the purposes herein provided;

(c) to engage, by contract or otherwise, engineers, architects, and any private industrial organization or any educational institution he deems suitable, to do all or any part of the work of designing, constructing, or operating the plants, the operation to be under his supervision, and through leases or otherwise as he believes advisable;

(d) to cooperate with any other Federal or State department, agency, or instrumentality, and with any private person, firm, educational institution, or corporation, in effectuating the purposes of this chapter. (Apr. 5, 1944, ch. 172, § 2, 58 Stat. 190.)

**§ 323. Sale of products; disposal of lands, licenses, and patent rights.**—The Secretary of the Interior is authorized to sell the products of the plants at not more than actual cost, including amortization of capital expenses, as determined by him, to any department, agency, or instrumentality of the Federal or any State government, but priority shall be given to orders placed by the War or Navy Departments. Any remaining products may be sold at going prices to any purchaser through commercial channels. The Secretary of the Interior, subject to approval by Congress, shall also have authority to dispose of any lands or other real or personal property acquired, but in his opinion no longer useful, for the purposes of this chapter; and he shall have authority to grant, on such terms as he may consider appropriate, licenses under patent rights acquired under this chapter: *Provided,* That such licenses are consistent with the terms of the agreements by which such patent rights are acquired. No patent acquired by the Secretary of the Interior under this chapter shall prevent any citizen of the United States, or corporation created under the laws of the United States or any State thereof, from using any invention, discovery, or process covered by such patent, or restrict such use by any such citizen or corporation, or be the basis of any claim against any such person or corporation on account of such use. (Apr. 5, 1944, ch. 172, § 3, 58 Stat. 191.)

**§ 324. Deposit of funds; reports to Congress.**—All moneys received under this chapter for products of the plants and royalties shall be paid into the Treasury as miscellaneous receipts. The Secretary of the Interior shall render to Congress on or before the first day of January of each year a report of all operations under this chapter. (Apr. 5, 1944, ch. 172, § 4, 58 Stat. 191.)



**§325. Rules and regulations; delegation of Secretary's authority.**—The Secretary of the Interior may issue rules and regulations to effectuate the purposes of this chapter. The authority and duties of the Secretary of the Interior under this chapter shall be exercised through the Bureau of Mines of the Department of the Interior. (Apr. 5, 1944, ch. 172, § 5, 58 Stat. 191.)

## TITLE 31—MONEY AND FINANCE

### THE NATIONAL BUDGET AND AUDIT SYSTEM

#### DEFINITIONS

**§ 1. Short title.**—Sections 1, 2, 11, 13-24, 41-47, 49, 51-55, 71, 471, 581 of this title may be cited as the "Budget and Accounting Act, 1921." (June 10, 1921, ch. 18, § 1, 42 Stat. 20.)

**§ 2. Definitions.**—When used in sections 1, 2, 11, 13-24, 41-47, 49, 51-55, 71, 471, and 581 of this title—The terms "department and establishment" and "department or establishment" mean any executive department, independent commission, board, bureau, agency, or other establishment of the Government, including any independent regulatory commission or board and the municipal government of the District of Columbia, but do not include the legislative branch of the Government or the Supreme Court of the United States;

The term "the Budget" means the Budget required by section 11 of this title to be transmitted to Congress;

The term "bureau" means the Bureau of the Budget;

The term "director" means the Director of the Bureau of the Budget; and

The term "assistant director" means the Assistant Director of the Bureau of the Budget. (June 10, 1921, ch. 18, § 2, 42 Stat. 20; Apr. 3, 1939, ch. 36, title II, § 201, 53 Stat. 565.)

#### THE BUDGET

**§ 11. President to transmit Budget to Congress; contents thereof.**—The President shall transmit to Congress on the first day of each regular session, the Budget, which shall set forth in summary and in detail:

(a) Estimates of the expenditures and appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year; except that the estimates for such year for the legislative branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15 of each year, and shall be included by him in the Budget without revision;

(b) His estimates of the receipts of the Government during the ensuing fiscal year, under (1) laws existing at the time the Budget is transmitted and also (2) under the revenue proposals, if any, contained in the Budget:

(c) The expenditures and receipts of the Government during the last completed fiscal year;

(d) Estimates of the expenditures and receipts of the Government during the fiscal year in progress:



(e) The amount of annual, permanent, or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress, as of November 1 of such year;

(f) Balanced statements of (1) the condition of the Treasury at the end of the last completed fiscal year, (2) the estimated condition of the Treasury at the end of the fiscal year in progress, and (3) the estimated condition of the Treasury at the end of the ensuing fiscal year if the financial proposals contained in the Budget are adopted;

(g) All essential facts regarding the bonded and other indebtedness of the Government; and

(h) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the Government. (June 10, 1921, ch. 18, § 201, 42 Stat. 20.)

**§ 13. Recommendations of President accompanying Budget.—**

(a) If the estimated receipts for the ensuing fiscal year contained in the Budget, on the basis of laws existing at the time the Budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year are less than the estimated expenditures for the ensuing fiscal year contained in the Budget, the President in the Budget shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

(b) If the aggregate of such estimated receipts and such estimated amount in the Treasury is greater than such estimated expenditures for the ensuing fiscal year, he shall make such recommendations as in his opinion the public interests require. (June 10, 1921, ch. 18, § 202, 42 Stat. 21.)

**§ 14. Supplemental or deficiency estimates transmitted to Congress.—**(a) The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment (1) are necessary on account of laws enacted after the transmission of the Budget, or (2) are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the Budget.

(b) Whenever such supplemental or deficiency estimates reach an aggregate which, if they had been contained in the Budget, would have required the President to make a recommendation under subdivision (a) of section 13 of this title, he shall thereupon make such recommendation. (June 10, 1921, ch. 18, § 203, 42 Stat. 21.)

**§ 15. Estimates or requests for appropriations, etc., not to be submitted by department officers or employees except by request.—**No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof by any officer or employee of any department or establishment, unless at the request of either House of Congress. (June 10, 1921, ch. 18, § 206, 42 Stat. 21.)



**§ 16. Bureau of Budget; director and assistant director; Budget, etc., to be prepared by bureau.**—There is created in the Executive Office of the President a bureau to be known as the Bureau of the Budget. There shall be in the bureau a director and an assistant director, who shall be appointed by the President and receive salaries of \$10,000 a year each. The assistant director shall perform such duties as the director may designate, and during the absence or incapacity of the director or during a vacancy in the office of director he shall act as director. The bureau, under such rules and regulations as the President may prescribe, shall prepare for him the Budget, and any supplemental or deficiency estimates, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments or establishments. (June 10, 1921, ch. 18, § 207, 42 Stat. 22; Reorg. Plan No. 1, § 1, eff. July 1, 1939, 4 F. R. 2727, 53 Stat. 1423; Apr. 28, 1942, ch. 247, title III. 56 Stat. 234.)

**§ 18. Detailed study of departments and establishments by bureau.**—The bureau, when directed by the President, shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services. The results of such study shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports or any part thereof with his recommendations on the matters covered thereby. (June 10, 1921, ch. 18, § 209, 42 Stat. 22.)

**§ 20. Aid and information for committees of Congress.**—The bureau shall, at the request of any committee of either House of Congress having jurisdiction over revenue or appropriations, furnish the committee such aid and information as it may request. (June 10, 1921, ch. 18, § 212, 42 Stat. 23.)

**§ 21. Information for bureau by departments and establishments; access to books, papers, etc., thereof.**—Under such regulations as the President may prescribe (1) every department and establishment shall furnish to the bureau such information as the bureau may from time to time require, and (2) the director and the assistant director, or any employee of the bureau when duly authorized, shall, for the purpose of securing such information, have access to, and the right to examine, any books, documents, papers, or records of any such department or establishment. (June 10, 1921, ch. 18, § 213, 42 Stat. 23.)

EX. ORD. NO. 9384. SUBMISSION OF REPORTS TO FACILITATE BUDGETING  
ACTIVITIES OF THE FEDERAL GOVERNMENT

Ex. Ord. No. 9384, Oct. 4, 1943, 8 F. R. 13782, provided:

By virtue of the authority vested in me as President of the United States, and particularly by the Budget and Accounting Act, 1921, as amended (Title 31, U. S. Code, Secs. 1-24) (sections 1-24 of this title), it is hereby ordered as follows:



1. In order to facilitate budgeting activities, all departments and establishments of the Executive Branch of the Federal Government, now or hereafter authorized by law to plan, propose, undertake, or aid public works and improvement projects financed in whole or in part by the Federal Government, shall prepare and keep up-to-date, by means of at least an annual revision, carefully planned and realistic long-range programs of such projects (all such programs being hereinafter referred to as "advance programs").

2. (a) Whenever any estimate of appropriation is submitted to the Bureau of the Budget (hereinafter referred to as the "Bureau") by such departments and establishments for the carrying out of any public works and improvement project or projects whether by contract, force account, Government plant and hired labor, or other similar procedure, or for the financing of any such project or projects whether by grants-in-aid, loans, or other forms of financial assistance, or for examinations, surveys, investigations, plans and specifications, or other planning activities, whether preliminary or detailed, or any such project or projects (all such survey and planning activities being hereinafter referred to as "plan preparation"), the advance program or programs relating to the proposed work or expenditure shall be submitted to the Bureau as an integral part of the justification of the estimates presented.

(b) All such departments and establishments shall submit to the Bureau at the earliest possible date estimates of such supplemental appropriations for the fiscal years 1944 and 1945 as are necessary to provide plan preparation for those public works and improvement projects proposed for undertaking during the first three years of their advanced programs. Thereafter, in order that plans for these public works and improvement projects will always be available in advance, all such departments and establishments shall prepare and submit to the Bureau during each fiscal year estimates of such appropriations as may be necessary to provide plan preparation for those projects proposed for undertaking during the succeeding three fiscal years of their advance programs. All such estimates shall be accompanied by recommendations as to the additional legislation, or amendments to existing legislation, that may be necessary to bring projects in their advance programs to an appropriate state of readiness for prompt undertaking when and where needed.

3. The Director of the Bureau, upon the basis of the estimates and advance programs submitted in accordance with the provisions of paragraph 2 of this order, shall report to the President from time to time, but not less than once a year, consolidated estimates and advance programs in the form of an over-all advance program for the Executive Branch of the Government.

4. Before any department or establishment shall submit to the Congress, or to any committee or member thereof, a report relating to, or affecting in whole or in part, its advance programs, or the public works and improvement projects comprising such programs, or the results of any plan preparation for such programs or projects, such report shall be submitted to the Bureau for advice as to its relationship to the program of the President. When such report is thereafter submitted to the Congress, or to any committee or member thereof, it shall include a statement of the advice received from the Bureau.

5. The data and reports required by this order, and such other data, reports, and information as may from time to time be requested by the Bureau concerning advance programs, or the status of any public works and improvement projects included therein, or the results or status of any plan preparation for such programs or projects, shall be submitted to the Bureau in such form and manner as the Director of the Bureau shall prescribe. The Director of the Bureau shall from time to time issue such regulations as he deems necessary to effectuate this order, and his determinations with respect to the scope and application of this order shall be controlling.

6. The term "department and establishments" as used in this Executive Order shall be deemed to include any executive department, independent commission, board, bureau, office, agency, regulatory commission or board, Government-owned or controlled corporation, or other establishment of the Government, and the municipal government of the District of Columbia, but shall not include the legislative or judicial branches of the Government.

7. Executive Order No. 8455, dated June 26, 1940, is hereby revoked.



**§ 22. Budget officers of departments and establishments; designation; duties.**—(a) The head of each department and establishment shall designate an official thereof as Budget officer therefor, who, in each year under his direction and on or before a date fixed by him, shall prepare the departmental estimates.

(b) Such Budget officer shall also prepare, under the direction of the head of the department or establishment, such supplemental and deficiency estimates as may be required for its work. (June 10, 1921, ch. 18, § 214, 42 Stat. 23.)

**§ 23. Departmental estimates; revision; time for submission to bureau; failure to submit.**—The head of each department and establishment shall revise the department estimates and submit them to the bureau on or before September 15 of each year. In case of his failure so to do, the President shall cause to be prepared such estimates and data as are necessary to enable him to include in the Budget estimates and statements in respect to the work of such department or establishment. (June 10, 1921, ch. 18, § 215, 42 Stat. 23.)

#### CROSS REFERENCE

Secretary of Agriculture, separate schedule of expenditures, transfers of funds, or other transactions to be included in annual budget, see section 558a of Title 5, Executive Departments and Government Officers and Employees.

**§ 24. Same; form and manner of submission.**—The departmental estimates and any supplemental or deficiency estimates submitted to the bureau by the head of any department or establishment shall be prepared and submitted in such form, manner, and detail as the President may prescribe. (June 10, 1921, ch. 18, § 216, 42 Stat. 23.)

#### CROSS REFERENCE

Secretary of Agriculture, separate schedule of expenditures, transfers of funds, or other transactions to be included in annual budget, see section 558a of Title 5, Executive Departments and Government Officers and Employees.

#### GENERAL ACCOUNTING OFFICE

**§ 41. Creation; control and direction of; certain offices abolished; officers, employees, books, papers, etc., transferred to General Accounting Office; seal thereof.**—There is created an establishment of the Government to be known as the General Accounting Office, which shall be independent of the executive departments and under the control and direction of the Comptroller General of the United States. The offices of Comptroller of the Treasury and Assistant Comptroller of the Treasury are abolished. All other officers and employees of the office of the Comptroller of the Treasury shall be officers and employees in the General Accounting Office at their grades and salaries on July 1, 1921, and all books, records, documents, papers, furniture, office equipment and other property of the office of the Comptroller of the Treasury shall be the property of the General Accounting Office. The Comptroller General is authorized to adopt a seal for the General Accounting Office. (June 10, 1921, ch. 18, § 301, 42 Stat. 23.)



**§ 42. Comptroller General and Assistant Comptroller General.**—There shall be in the General Accounting Office a Comptroller General of the United States and an Assistant Comptroller General of the United States, who shall be appointed by the President with the advice and consent of the Senate, and shall receive salaries of \$10,000 and \$7,500 a year, respectively. The Assistant Comptroller General shall perform such duties as may be assigned to him by the Comptroller General, and during the absence or incapacity of the Comptroller General, or during a vacancy in that office, shall act as Comptroller General. (June 10, 1921, ch. 18, § 302, 42 Stat. 23.)

#### CROSS REFERENCE

Compensation schedules for professional, subprofessional, and scientific services, see section 673 of Title 5, Executive Departments and Government Officers and Employees.

**§ 43. Same; terms of office; removal from office, retirement.**—Except as hereinafter provided in this section, the Comptroller General and the Assistant Comptroller General shall hold office for fifteen years. The Comptroller General shall not be eligible for reappointment. The Comptroller General or the Assistant Comptroller may be removed at any time by joint resolution of Congress after notice and hearing, when, in the judgment of Congress, the Comptroller General has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment. Any Comptroller General or Assistant Comptroller General removed in the manner provided in this section shall be ineligible for reappointment to that office. When a Comptroller General or Assistant Comptroller General attains the age of seventy years, he shall be retired from his office. (June 10, 1921, ch. 18, § 303, 42 Stat. 23.)

**§ 43a. Same; acting Comptroller General during temporary vacancy in offices of Comptroller General and Assistant Comptroller General.**—The Comptroller General shall designate an employee of the General Accounting Office to act as Comptroller General during the absence or incapacity of the Comptroller General and the Assistant Comptroller General, or during a vacancy in both of such offices. (June 27, 1944, ch. 286, title I, § 1, 58 Stat. 371.)

**§ 44. Certain powers and duties transferred to General Accounting Office; conclusiveness of balances certified by Comptroller General.**—All powers and duties which on June 30, 1921, were conferred or imposed by law upon the Comptroller of the Treasury or the six auditors of the Treasury Department, and the duties of the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury relating to keeping the personal ledger accounts of disbursing and collecting officers, shall, so far as not inconsistent with sections 1, 2, 11, 13-24, 41-47, 49, 51-55, 71, 471, and 581 of this title, be vested in and imposed upon the General Accounting Office and be exercised without direction from any other officer. The balances certified by the Comptroller



General shall be final and conclusive upon the executive branch of the Government. The revision by the Comptroller General of settlements made by the six auditors shall be discontinued, except as to settlements made before July 1, 1921. (June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

#### TRANSFER OF FUNCTIONS

Division of Bookkeeping and Warrants and its functions were transferred to Bureau of Accounts, and, together with certain other offices and agencies and their functions, were consolidated into Fiscal Service of Treasury Department by Reorg. Plan No. III, § 1 (a), effective June 30, 1940, 5 Fed. Reg. 2107, 54 Stat. 1231, set out in note under section 133t of Title 5, Executive Departments and Government Officers and Employees. See, also, sections 8 and 9 of said plan for provisions relating to transfer of records, property, personnel, and funds.

**§ 47. Payment of adjusted accounts or claims.**—The Comptroller General may provide for the payment of accounts or claims adjusted and settled in the General Accounting Office, through disbursing officers of the several departments and establishments, instead of by warrant. (June 10, 1921, ch. 18, § 307, 42 Stat. 25.)

**§ 49. Forms, systems and procedure prescribed by Comptroller General.**—The Comptroller General shall prescribe the forms, systems, and procedure for administrative appropriation and fund accounting in the several departments and establishments, and for the administrative examination of fiscal officers' accounts and claims against the United States. (June 10, 1921, ch. 18, § 309, 42 Stat. 25.)

**§ 53. Investigations and reports by Comptroller General.**—  
(a) The Comptroller General shall investigate, at the seat of government or elsewhere, all matters relating to the receipt, disbursement, and application of public funds, and shall make to the President when requested by him, and to Congress at the beginning of each regular session, a report in writing of the work of the General Accounting Office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt, disbursement, and application of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures.

(b) He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The Comptroller General shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as it may request.

(c) The Comptroller General shall specially report to Congress every expenditure or contract made by any department or establishment in any year in violation of law.

(d) He shall submit to Congress reports upon the adequacy and effectiveness of the administrative examination of accounts and claims in the respective departments and establishments and upon the adequacy and effectiveness of departmental inspection of the offices and accounts of fiscal officers.



(e) He shall furnish such information relating to expenditures and accounting to the Bureau of the Budget as it may request from time to time. (June 10, 1921, ch. 18, § 312, 42 Stat. 25.)

§ 54. Information furnished to Comptroller General by departments and establishments.—All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment. The authority contained in this section shall not be applicable to expenditures made under the provisions of section 107 of this title. (June 10, 1921, ch. 18, § 313, 42 Stat. 26.)

#### AUDIT AND SETTLEMENT OF ACCOUNTS

§ 71. Public accounts to be settled in General Accounting Office.—All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office. (R. S. § 236; June 10, 1921, ch. 18, § 305, 42 Stat. 24.)

##### DERIVATION

Act Mar. 3, 1817, ch. 45, § 2, 3 Stat. 366.

§ 71a. Same; limitation of time on claims and demands.—(1) Every claim or demand (except a claim or demand by any State, Territory, possession or the District of Columbia) against the United States cognizable by the General Accounting Office under sections 71 and 236 of this title shall be forever barred unless such claim, bearing the signature and address of the claimant or of an authorized agent or attorney, shall be received in said office within ten full years after the date such claim first accrued: *Provided*, That when a claim of any person serving in the military or naval forces of the United States accrues in time of war, or when war intervenes within five years after its accrual, such claim may be presented within five years after peace is established.

(2) Whenever any claim barred by subsection (1) shall be received in the General Accounting Office, it shall be returned to the claimant, with a copy of this section, and such action shall be a complete response without further communication. (Oct. 9, 1940, ch. 788, §§ 1, 2, 54 Stat. 1061.)

##### CODIFICATION

Subsections (1) and (2) of this section are from sections 1 and 2, respectively, of act Oct. 9, 1940, cited to text.

§ 72. Same; settlement of accounts.—Accounts shall be examined as follows:

\* \* \* \* \*



Eighth. Said office shall receive and examine all accounts of salaries and incidental expenses of the offices of the Secretary of State, the Attorney General, and the Secretary of Agriculture, and of all bureaus and offices under their direction; all accounts relating to all other business within the jurisdiction of the Departments of State, Justice, and Agriculture; all accounts relating to the Foreign Service, the judiciary, United States courts, judgments of United States courts, Executive Office, Civil Service Commission, Interstate Commerce Commission, District of Columbia, Court of Claims and its judgments, Smithsonian Institution, Territorial governments, the Senate, the House of Representatives, the Public Printer, Library of Congress, Botanic Garden, and accounts of all boards, commissions, and establishments of the Government not within the jurisdiction of any of the executive departments. Said office shall certify the balances arising thereon, according to the character of the account, to the Secretary of the Senate, Clerk of the House of Representatives, Sergeant at Arms of the House of Representatives, or the chief of the executive department, commission, board, or establishment concerned. (July 31, 1894, ch. 174, § 7, 28 Stat. 206; Feb. 14, 1903, ch. 552, § 2, 32 Stat. 826; June 17, 1910, ch. 301, §§ 4, 13, 36 Stat. 537, 539; Aug. 14, 1912, ch. 288, § 1, 37 Stat. 309; Aug. 24, 1912, ch. 389, § 10, 37 Stat. 559; Mar. 4, 1913, ch. 141, § 2, 37 Stat. 737; Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; June 10, 1921, ch. 18, § 304, 42 Stat. 24; May 24, 1924, ch. 182, § 1, redesignated § 8 and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1207; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; July 3, 1930, ch. 863, § 1, 46 Stat. 1016; June 30, 1932, ch. 314, §§ 501, 502, 47 Stat. 415; May 27, 1936, ch. 46, § 1, 49 Stat. 1380, Reorg. Plan No. I § 201 eff. July 1, 1939, 4 Fed. Reg. 2728, 53 Stat. 1424; Reorg. Plan No. II, §§ 2 (a), 4 (e), eff. July 1, 1939, 4 Fed. Reg. 2731, 53 Stat. 1432, 1433.)

**§ 74. Certified balances of public accounts; conclusiveness; suspension of items; preservation of adjusted accounts; decision upon questions involving payments.**—Balances certified by the General Accounting Office, upon the settlement of public accounts, shall be final and conclusive upon the Executive Branch of the Government, except that any person whose accounts may have been settled, the head of the Executive Department, or the board, commission, or establishment not under the jurisdiction of an Executive Department, to which the account pertains, or the Comptroller General of the United States, may, within a year, obtain a revision of the said account by the Comptroller General of the United States, whose decision upon such revision shall be final and conclusive upon the Executive Branch of the Government. Nothing in this chapter shall prevent the General Accounting Office from suspending items in an account in order to obtain further evidence or explanations necessary to their settlement.

The General Accounting Office shall preserve, with their vouchers and certificates, all accounts which have been finally adjusted.

Disbursing officers, or the head of any executive department, or other establishment not under any of the executive departments, may apply for and the Comptroller General shall render



his decision upon any question involving a payment to be made by them or under them, which decision, when rendered, shall govern the General Accounting Office in passing upon the account containing said disbursement. (July 31, 1894, ch. 174, § 8, 28 Stat. 207; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

**§ 75. Regulations for carrying out provisions.**—It shall be the duty of the Secretary of the Treasury to make appropriate rules and regulations for carrying out the provision of section 87 of this title and so much of sections 74, 76, 78, 496, and 514 of this title, as pertains to his duties, and for transferring or preserving books, papers, or other property appertaining to any office or branch of business affected by them.

It shall also be the duty of the heads of the several executive departments and of the proper officers of other Government establishments, not within the jurisdiction of any executive department, to make appropriate rules and regulations to secure a proper administrative examination of all accounts sent to them, as required by section 78 of this title, before their transmission to the General Accounting Office, and for the execution of other requirements of this chapter insofar as the same relate to the several departments or establishments. (July 31, 1894, ch. 174, § 22, 28 Stat. 210; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

**§ 76. Requisition for advances.**—Every requisition for an advance of money, before being acted on by the Secretary of the Treasury, shall be sent to the General Accounting Office for action thereon as required by section 78 of this title.

All warrants, when authorized by law and signed by the Secretary of the Treasury, shall be countersigned in the General Accounting Office, and all warrants for the payment of money shall be accompanied either by the certificate, mentioned in section 72 of this title, or by the requisition for advance of money, which certificate or requisition shall specify the particular appropriation to which the same should be charged, instead of being specified on the warrant; and shall also go with the warrant to the Treasurer, who shall return the certificate or requisition to the General Accounting Office, with the date and amount of the draft issued indorsed thereon. Requisitions for the payment of money on all audited accounts, or for covering money into the Treasury, shall not be required. And requisitions for advances of money shall not be countersigned in the General Accounting Office. (July 31, 1894, ch. 174, § 11, 28 Stat. 209; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

**§ 77. Charging warrants to appropriation specified.**—Moneys paid by virtue of such warrants shall be charged to the appropriation so specified in the books of the Secretary of the Treasury and General Accounting Office. (R. S. § 3675; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

#### DERIVATION

Act Sept. 2, 1789, ch. 13, § 6, 1 Stat. 67; act Mar. 3, 1809, ch. 28, § 1, 2 Stat. 535.

**§ 78. Rendition of current accounts.**—Except as otherwise provided by law, all monthly accounts shall be mailed or otherwise



sent to the proper officer at Washington within ten days after the end of the month to which they relate, and quarterly and other accounts within twenty days after the period to which they relate, and shall be transmitted to and received by the General Accounting Office within twenty days of their actual receipt at the proper office in Washington in the case of monthly, and sixty days in the case of quarterly and other accounts. Should there be any delinquency in this regard at the time of the receipt by the General Accounting Office of a requisition for an advance of money, said office shall disapprove the requisition, which said office may also do for other reasons arising out of the condition of the officer's accounts for whom the advance is requested; but the Secretary of the Treasury may overrule the General Accounting Office's decision as to the sufficiency of these latter reasons. The Secretary of the Treasury shall prescribe suitable rules and regulations, and may make orders in particular cases, relaxing the requirement of mailing or otherwise sending accounts as aforesaid, within ten or twenty days, or waiving delinquency, in such cases only in which there is, or is likely to be, a manifest physical difficulty in complying with the same, it being the purpose of this provision to require the prompt rendition of accounts without regard to the mere convenience of the officers, and to forbid the advance of money to those delinquent in rendering them. Should there be a delay by the administrative departments beyond the aforesaid twenty or sixty days in transmitting accounts, an order of the President, or, in the event of the absence from the seat of Government or sickness of the President, an order of the Secretary of the Treasury, in the particular case, shall be necessary to authorize the advance of money requested. This section shall not apply to accounts of the postal revenue and expenditures therefrom, which shall be rendered as required by law. (July 31, 1894, ch. 174, § 12, 28 Stat. 209; Mar. 2, 1895, ch. 177, § 4, 28 Stat. 807; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

§ 82. **Administrative examination of accounts.**—Except as otherwise provided, the administrative examination of all public accounts, preliminary to their audit by the General Accounting Office, shall be made as contemplated by section 78 of this title, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except those vouchers prepared outside of Washington prior to August 23, 1912, may continue to be so prepared and the disbursing officers shall make only such examination of vouchers as may be necessary to ascertain whether they represent legal claims against the United States. (Aug. 23, 1912, ch. 350, § 1, 37 Stat. 375; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

#### CROSS REFERENCES

Fiscal Service to furnish addressographed or stenciled lists of persons receiving periodic payments from United States, which lists may constitute vouchers on which Fiscal Service may make payment, notwithstanding this section, see section 82a of this title.

Procurement Division to furnish addressographed or stenciled lists of persons receiving periodic payments from United States, which lists may



constitute vouchers on which Procurement Division may make payment, notwithstanding this section, see section 82a of this title.

**§ 82a. Lists of persons receiving periodic payments; vouchers.**—After May 14, 1937, the provisions of section 82 of this title shall not preclude the furnishing by the Fiscal Service, Treasury Department, at the request of administrative officers, of addressographed or stenciled lists of persons receiving periodic payments from the United States, which lists, as administratively revised and certified, if otherwise in proper form, may constitute the voucher upon which the Fiscal Service may make payment. (May 14, 1937, ch. 180, title I, 50 Stat. 140; Reorg. Plan No. III, § 1 (a), eff. June 30, 1940, 5 Fed. Reg. 2107, 54 Stat. 1231.)

#### TRANSFER OF FUNCTIONS

Division of Disbursement of Treasury Department was consolidated into Fiscal Service of Treasury Department by Reorg. Plan No. III, § 1 (a) (1), eff. June 30, 1940, cited to text, set out as note under section 133t of Title 5, Executive Departments and Government Officers and Employees.

**§ 82b. Disbursing officers of executive branch of the Government; examination of vouchers.**—Notwithstanding the provisions of section 82 of this title, and section 4 of Executive Order Numbered 6166, dated June 10, 1933, disbursing officers under the executive branch of the Government shall (1) disburse moneys only upon, and in strict accordance with, vouchers duly certified by the head of the department, establishment, or agency concerned, or by an officer or employee thereof duly authorized in writing by such head to certify such vouchers; (2) make such examination of vouchers as may be necessary to ascertain whether they are in proper form, duly certified and approved, and correctly computed on the basis of the facts certified; and (3) be held accountable accordingly. (Dec. 29, 1941, ch. 641, § 1, 55 Stat. 875.)

#### REFERENCES IN TEXT

Section 4 of Executive Order Numbered 6166, dated June 10, 1933, cited in text, is set out as note following section 132 of Title 5, Executive Departments and Government Officers and Employees.

#### EFFECTIVE DATE

Section 5 of act Dec. 29, 1941, cited to text, provided: "This Act (sections 82b-82e of this title) shall become effective on the first day of the fourth month following the date of its enactment."

#### CROSS REFERENCES

Designation of certifying officers by the Liaison Officer, see section 215a of this title.

**§ 82c. Certifying officers; bond; accountability; relief by Comptroller General.**—The officer or employee certifying a voucher shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved; (2) be required to give bond to the United States, with good and sufficient surety approved by the Secretary of the Treasury, in such amount as may be determined by the head of the department, agency, or establishment concerned, pursuant to standards



prescribed by the Secretary of the Treasury, and under such conditions as may be prescribed by the Secretary of the Treasury; and (3) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved: *Provided*, That the Comptroller General may, in his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and that the United States has received value for such payment: *Provided further*, That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 67 of Title 49 whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land-grant deductions. (Dec. 29, 1941, ch. 641, § 2, 55 Stat. 875.)

#### EFFECTIVE DATE

Effective date of act Dec. 29, 1941, cited to text, see note under section 82b of this title.

**§ 82d. Same; enforcement of liability.**—The liability of certifying officers or employees shall be enforced in the same manner and to the same extent as now provided by law with respect to enforcement of the liability of disbursing and other accountable officers; and they shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification. (Dec. 29, 1941, ch. 641, § 3, 55 Stat. 876.)

#### EFFECTIVE DATE

Effective date of act Dec. 29, 1941, cited to text, see note under section 82b of this title.

#### CROSS REFERENCES

Enforcement of liability of disbursing and other accountable officers, see sections 506, 508, 510, and 511 of this title.

**§ 82f. Certifying and disbursing officers' accountability for correctness of computations of certified vouchers.**—The responsibility and accountability of certifying officers under sections 82b-82e of this title shall be deemed to include the correctness of the computations of certified vouchers and disbursing officers shall not be held accountable under section 82b of this title for the correctness of such computations. (Apr. 28, 1942, ch. 247, title III, 56 Stat. 244.)

**§ 82g. Disbursing of certifying officer; exemption from liability for overpayments for transportation.**—No disbursing or cer-



tifying officer of the United States shall be held liable for overpayments made for transportation furnished on Government bills of lading or transportation requests when said overpayments are due to the use of improper transportation rates, classifications, or the failure to deduct the proper amount under land-grant laws or equalization and other agreements. (June 1, 1942, ch. 320, 56 Stat. 306.)

**§ 86. Accounts presented without administrative examination.**—In the case of claims presented to the General Accounting Office which have not had an administrative examination, the Comptroller General shall cause them to be examined by two of his subordinates independently of each other. (July 31, 1894, ch. 174, § 14, 28 Stat. 210; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

**§ 89. Property returns by officers.**—Instead of forwarding to the General Accounting Office returns of public property intrusted to the possession of officers or agents, the Quartermaster General, the Surgeon General, the Chief of Engineers, the Chief of Ordnance, the Chief Signal Officer, the Paymaster General of the Navy, the Commissioner of Indian Affairs, or other like chief officers in any department, by, through, or under whom stores, supplies, and other public property are received for distribution, or whose duty it is to receive or examine returns of such property, shall certify to the General Accounting Office, for debiting on the proper account, any charge against any officer or agent intrusted with public property, arising from any loss, accruing by his fault, to the Government as to the property so intrusted to him. (Mar. 29, 1894, ch. 49, § 1, 28 Stat. 47; Aug. 24, 1912, ch. 391, § 3, 37 Stat. 591; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

**§ 90. Same; certificate as to lost property.**—The certificate required by section 89 of this title shall set forth the condition of such officer's or agent's property returns, that it includes all charges made up to its date and not previously certified, that he has had a reasonable opportunity to be heard and has not been relieved of responsibility; the effect of such certificate, when received, shall be the same as if the facts therein set forth had been ascertained by the General Accounting Office in accounting. (Mar. 29, 1894, ch. 49, § 2, 28 Stat. 47; Jun 10, 1921, ch. 18, § 304, 42 Stat. 24.)

**§ 91. Same; manner of making.**—The manner of making property returns to or in any administrative bureau or department, or of ascertaining liability for property, under existing laws and regulations, shall not be affected by sections 89-92 of this title, except as provided in section 89 of this title; but in all cases arising as to such property so intrusted the officer or agent shall have an opportunity to relieve himself from liability. (Mar. 29, 1894, ch. 49, § 3, 28 Stat. 47.)

**§ 92. Same; regulations.**—The heads of the several departments are hereby empowered to make and enforce regulations to carry out the provisions of sections 89-91 of this title. (Mar. 29, 1894, ch. 49, § 4, 28 Stat. 47.)

**§ 93. General Accounting Office superintending recovery of debts.**—The General Accounting Office shall superintend the



recovery of all debts finally certified by it to be due to the United States. (July 31, 1894, ch. 174, § 4, 28 Stat. 206; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

**§ 119. Allowance of lost checks.**—Whenever the disbursing officer or agent by whom was issued any original check which has been lost, destroyed, or stolen, is dead, or no longer in the service of the United States, the General Accounting Office shall state an account in favor of the owner of such original check for the amount thereof, and charge such amount to the account of such officer or agent: *Provided*, That in case a check drawn by any officer or agent of the Post Office Department is lost, stolen, or destroyed a duplicate thereof may be issued under regulations prescribed by the Postmaster General, as set forth in section 528 of this title. (R. S. §§ 300, 3647; May 27, 1908, ch. 206, 35 Stat. 415; Feb. 23, 1909, ch. 174, 35 Stat. 644; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

#### DERIVATION

R. S. § 300 was from act Feb. 2, 1872, ch. 12, §§ 1, 2, 17 Stat. 29.

R. S. § 3647 was from act Feb. 2, 1872, ch. 12, § 2, 17 Stat. 29.

**§ 122. Claims on paid checks and warrants; limitations.**—All claims on account of any check, checks, warrant, or warrants appearing to have been paid shall be barred if not presented to the General Accounting Office within six years after the date of issuance of the check, checks, warrant, or warrants involved. (June 22, 1926, ch. 650, § 2, 44 Stat. 761.)

**§ 123. Regulation of delivery in foreign countries of checks against funds of United States; prohibition in absence of assurance that payee will receive and be able to negotiate check.**—Hereafter no check or warrant drawn against funds of the United States, or any agency or instrumentality thereof, shall be sent from the United States (including its Territories and possessions and the Commonwealth of the Philippine Islands) for delivery in a foreign country in any case in which the Secretary of the Treasury determines that postal, transportation, or banking facilities in general, or local conditions in the country to which such check or warrant is to be delivered, are such that there is not a reasonable assurance that the payee will actually receive such check or warrant and be able to negotiate the same for full value: *Provided*, That any check drawn against funds of the United States for benefits under the laws administered by the Veterans' Administration, for delivery in the United States, its Territories, or possessions, to a guardian, curator, conservator, or other person legally vested with the care of any person in a foreign country, shall be deemed to be drawn for delivery in such foreign country and subject to the provisions of this Act, and the Secretary of the Treasury shall be furnished necessary notification by the Administrator of Veterans' Affairs as to each such check: *Provided further*, That the Administrator of Veterans' Affairs is authorized to except from the provisions of the foregoing proviso any check wherein the application of this amendment would result in reduction, discontinuance, or denial of benefits which otherwise might be used for the care of a dependent of such person. (Oct. 9,



1940, ch. 796, § 1, 54 Stat. 1086, as amended Dec. 2, 1942, ch. 659, 56 Stat. 1028.)

§ 124. Same; withholding export-prohibited checks; release; procedure resulting in deposit in special account for withheld foreign checks.—Any check or warrant, the sending of which is prohibited under the provisions of section 123 of this title, shall be held by the drawer until the close of the calendar quarter next following its date, during which period such check or warrant may be released for delivery if the Secretary of the Treasury determines that conditions have so changed as to provide a reasonable assurance that the payee will actually receive the check or warrant and be able to negotiate it for full value. At the end of such quarter, unless the Secretary of the Treasury shall otherwise direct, the drawer shall transmit all checks and warrants withheld in accordance with the provisions of sections 123-128 of this title to the drawee thereof, and forward a report stating fully the name and address of the payee; the date, number, and amount of the check or warrant; and the account against which it was drawn, to the Bureau of Accounts of the Treasury Department. The amounts of such undelivered checks and warrants so transmitted shall thereupon be transferred by the drawee from the account of the drawer to a special deposit account with the Treasurer of the United States entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", at which time such checks and warrants shall be marked "Paid into Withheld Foreign Check Account". Thereafter the drawee shall deliver such checks and warrants, together with other paid checks and warrants, to the Comptroller General of the United States, who shall allow credit therefor in the accounts of the drawer and the drawee.

In the case of checks representing payments under laws administered by the Veterans' Administration, when the amount transferred to the special deposit account on behalf of any individual payee equals \$1,000, the amounts of any further checks, except checks under contracts of insurance, payable to such payee under such laws shall be covered into the Treasury as miscellaneous receipts. The deposit in the special deposit account or the covering into the Treasury as miscellaneous receipts, pursuant to the provisions of this section, of the amount of any check issued under laws administered by the Veterans' Administration shall be considered for all purposes, including determinations of rights under section 516 of Title 38, as amended, as payment to the person entitled thereto. (Oct. 9, 1940, ch. 796, § 2, 54 Stat. 1086.)

§ 125. Same; payments from special deposit account for withheld foreign checks.—Payment of the amounts which have been deposited in the special deposit account in accordance with section 124 of this title shall be made by checks drawn against such special deposit account by the Secretary of the Treasury, only after the claimant shall have established his right to the amount of the check or warrant to the satisfaction of the Secretary of the Treasury (or, in the case of claims based upon checks representing payments under laws administered by the Veterans' Administration, to the satisfaction of the Administrator of Veterans' Affairs) and the Secretary of the Treasury has determined that



there is a reasonable assurance that the claimant will actually receive such check in payment of his claim and be able to negotiate the same for full value.

In the case of the death of the payee of any check in payment of pension, compensation, or emergency officers' retirement pay accruing under laws administered by the Veterans' Administration, while the amount thereof remains in the special deposit account, such amount shall, subject to the other conditions of sections 123-128 of this title, be payable as follows: (a) Upon death of the veteran, first to the widow; if there is no widow, to his child or children under the age of eighteen at his death; (b) upon death of the widow, to her children under the age of eighteen years at her death; (c) upon the death, prior to disbursement of all or any part of the apportioned amount, of an apportionee of a part of the veteran's pension, compensation, or emergency officers' retirement pay, such apportioned amount not disbursed shall be payable to the veteran; (d) in all other cases no disbursement whatsoever of such pension, compensation, or emergency officers' retirement pay shall be made or allowed except so much as may be necessary to reimburse the person who bore the expense of burial: *Provided, however,* That no disbursement shall be made unless claim therefor be filed in the Veterans' Administration within one year from the date of the death of the person entitled and perfected by the submission of the necessary evidence within six months from the date of the request of the Veterans' Administration therefor. Such benefits shall include only amounts due and unpaid at the time of death under then existing ratings or decisions. (Oct. 9, 1940, ch. 796, § 3, 54 Stat. 1087.)

§ 126. Same; application of sections 124 and 125 to checks withheld pursuant to Executive Order of Administrative action.—The provisions of sections 124 and 125 of this title shall apply to all checks or warrants the delivery of which is now being, or may hereafter be, withheld pursuant to Executive Order Numbered 8389 of April 10, 1940, as amended, as well as to all checks or warrants the delivery of which is now being withheld pursuant to administrative action, which administrative action is hereby ratified and confirmed: *Provided,* That any check or warrant the delivery of which has already been withheld for more than one quarter prior to October 9, 1940, shall be immediately delivered to the drawee thereof for disposition in accordance with the provisions of sections 124 and 125 of this title: *Provided further,* That nothing in sections 123-128 of this title shall be construed to dispense with the necessity of obtaining a license to authorize the delivery and payment of checks in payment of claims under section 125 of this title in those cases where a license is now or hereafter may be required by law to authorize such delivery and payment. (Oct. 9, 1940, ch. 796, § 4, 54 Stat. 1087.)

#### REFERENCES IN TEXT

Ex. Ord. No. 8389, mentioned in text, added sections 9-12 to Ex. Ord. No. 6560, which is set out in note under section 95 of Title 12, Banks and Banking.

§ 127. Same; rules and regulations.—The Secretary of the Treasury is hereby authorized to prescribe such rules and regula-



tions as he in his discretion may deem necessary or proper for the administration and execution of sections 123-128 of this title. (Oct. 9, 1940, ch. 796, § 5, 54 Stat. 1087.)

**§ 128. Same; checks in payment of salaries or wages or for goods purchased by United States in foreign countries.**—Nothing contained in sections 123-128 of this title shall be construed as affecting or applying to checks or warrants issued in payment of salaries or wages or for goods purchased by the Government of the United States in foreign countries. (Oct. 9, 1940, ch. 796, § 6, 54 Stat. 1086.)

#### THE TREASURER

**§ 149. Liabilities outstanding three or more years.**—At the termination of each fiscal year all amounts of moneys that are represented by certificates, drafts, or checks, issued by the Treasurer, or by any disbursing officer of any department of the Government, upon the Treasurer or designated depository of the United States, or upon any national bank designated as a depository of the United States, and which shall be represented on the books of either of such offices as standing to the credit of any disbursing officer, and which were issued to facilitate the payment of warrants, or for any other purpose in liquidation of a debt due from the United States, and which have for three years or more remained outstanding, unsatisfied, and unpaid, shall be deposited by the Treasurer, to be covered into the Treasury by warrant, and to be carried to the credit of the parties in whose favor such certificates, drafts, or checks were respectively issued, or to the persons who are entitled to receive pay therefor, and into an appropriation account to be denominated "outstanding liabilities." (R. S. § 306; May 29, 1920, ch. 214, § 1, 41 Stat. 654.)

#### DERIVATION

Act May 2, 1866, ch. 70, §§ 1, 4, 14 Stat. 41, 42.

#### CROSS REFERENCE

Provisions of Permanent Appropriation Repeal Act concerning unpaid checks, see section 725t of this title.

**§ 150. Vouchers for drafts remaining unpaid.**—The certificate of the Secretary of the Treasury, stating that the amount of any draft issued by the Treasurer, to facilitate the payment of a warrant directed to him for payment, has remained outstanding and unpaid for three years or more, and has been deposited and covered into the Treasury in the manner prescribed by section 149 of this title, shall be, when attached to any such warrant, a sufficient voucher in satisfaction of any such warrant or part of any warrant, the same as if the drafts correctly indorsed and fully satisfied were attached to such warrant or part of warrant. And all such moneys mentioned in this and in section 149 of this title shall remain as a permanent appropriation for the redemption and payment of all such outstanding and unpaid certificates, drafts, and checks. (R. S. § 307; July 31, 1894, ch. 174, § 16, 28 Stat. 210.)

#### DERIVATION

Act May 2, 1866, ch. 70, § 2, 14 Stat. 41.



## CROSS REFERENCE

Provisions of Permanent Appropriation Repeal Act concerning unpaid checks, see section 725t of this title.

**§ 151. Payment upon presentation of outstanding drafts.**—The payee or the bona fide holder of any draft or check the amount of which has been deposited and covered into the Treasury pursuant to sections 140 and 150 of this title, shall, on presenting the same to the proper officer of the Treasury, be entitled to have it paid by the settlement of an account in the General Accounting Office and the issuing of a warrant in his favor, according to the practice in other cases of authorized and liquidated claims against the United States. (R. S. §§ 236, 308; June 10, 1921, ch. 18, § 305, 42 Stat. 24.)

## DERIVATION

R. S. § 236 was from act Mar. 3, 1817, ch. 45, 2 Stat. 366.

R. S. § 308 was from act May 2, 1866, ch. 70, § 3, 14 Stat. 42.

## CODIFICATION

Section is from R. S. § 308, cited to text. Act June 10, 1921, amended R. S. § 236, both cited to text, to provide for the settlement and adjustment of all Government accounts in the General Accounting Office, and is authority for the insertion in this section of the words "in the General Accounting Office."

## CROSS REFERENCE

Provisions of Permanent Appropriation Repeal Act concerning unpaid checks, see section 725t of this title.

**§ 152. Accounts of disbursing officers unchanged for three years.**—The amounts, except such as are provided for in section 149 of this title, of the accounts of every kind of disbursing officer, which shall have remained unchanged, or which shall not have been increased by any new deposit thereto, nor decreased by drafts drawn thereon, for the space of three years, shall in like manner be covered into the Treasury, to the proper appropriation to which they belong; and the amounts thereof shall, on the certificate of the Treasurer that such amount has been deposited in the Treasury, be credited by the General Accounting Office on the books of the department or establishment, to the officer in whose name it had stood on the books of the General Accounting Office for such department or establishment, if it appears that he is entitled to such credit. (R. S. §§ 236, 309; June 10, 1921, ch. 18, §§ 305, 309, 42 Stat. 24, 25.)

## DERIVATION

R. S. § 236 was from act Mar. 3, 1817, ch. 45, 2 Stat. 366.

R. S. § 309 was from act May 2, 1866, ch. 70, § 5, 14 Stat. 42.

## CODIFICATION

Section is from R. S. § 309, cited to text. Act June 10, 1921, section 305 of which amended R. S. § 236, all cited to text, contained provisions relating to the General Accounting Office, and is authority for the substitution in this section of the words "General Accounting Office" at their first occurrence for "proper accounting officer of the Department of the Treasury"; the substitution of the words "department or establishment" at their first occurrence for "Department"; and the substitution of "the General Accounting Office for such department or establishment" for "any agency of the Treasury."

**§ 153. Reports of Treasurer and depositaries.**—The Treasurer, each designated depositary of the United States, and the cashier



of each of the national banks designated as such depositaries, shall, at the close of business on every 30th day of June, report to the Secretary of the Treasury the condition of every account standing, as in section 152 of this title specified, on the books of their respective offices, stating the name of each depositor, with his official designation, the total amount remaining on deposit to his credit, and the dates, respectively, of the last credit and the last debit made to each account. (R. S. § 310; July 1, 1916, ch. 209, § 5, 39 Stat. 336; May 29, 1920, ch. 214, § 1, 41 Stat. 654.)

## DERIVATION

Act May 2, 1866, ch. 70, § 6, 14 Stat. 42.

**§ 154. Reports of unpaid checks by General Accounting Office.**—At the termination of each fiscal year the General Accounting Office shall report to the Secretary of the Treasury all checks issued by any disbursing officer of the Government as shown by his accounts rendered to the General Accounting Office, which shall then have been outstanding and unpaid for three years or more, stating fully in such report the name of the payee, for what purpose each check was given, the office on which drawn, the number of the voucher received therefor, the date, the number, and the amount for which it was drawn, and, when known, the residence of the payee. (July 1, 1916, ch. 209, § 5, 39 Stat. 336; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

## BUREAU OF ENGRAVING AND PRINTING

**§ 174. Impressions of portraits.**—The Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a department or bureau, art association, or library, may furnish impressions from any portrait or vignette which is now, or may be a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests. (Dec. 22, 1879, ch. 2, 21 Stat. 59.)

## DEBTS DUE BY, OR TO, THE UNITED STATES

**§ 191. Priority established.**—Whenever any person indebted to the United States is insolvent, or whenever the estate of any deceased debtor, in the hands of the executors or administrators, is insufficient to pay all the debts due from the deceased, the debts due to the United States shall be first satisfied; and the priority established shall extend as well to cases in which a debtor, not having sufficient property to pay all his debts, makes a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor are attached by process of law, as to cases in which an act of bankruptcy is committed. (R. S. § 3466.)

## DERIVATION

Act Mar. 3, 1797, ch. 20, § 5, 1 Stat. 515; act Mar. 2, 1799, ch. 22, § 65, 1 Stat. 676.

**§ 192. Liability of fiduciaries.**—Every executor, administrator, or assignee, or other person, who pays, in whole or in part, any



debt due by the person or estate for whom or for which he acts before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate to the extent of such payments for the debts so due to the United States, or for so much thereof as may remain due and unpaid. (R. S. § 3467; May 10, 1934, 11:40 a. m., ch. 277, § 518 (a), 48 Stat. 760.)

#### DERIVATION

Act Mar. 2, 1799, ch. 22, § 65, 1 Stat. 676.

**§ 193. Priority of sureties.**—Whenever the principal in any bond given to the United States is insolvent, or whenever, such principal being deceased, his estate and effects which come to the hands of his executor, administrator, or assignee, are insufficient for the payment of his debts, and, in either of such cases, any surety on the bond, or the executor, administrator, or assignee of such surety pays to the United States the money due upon such bond, such surety, his executor, administrator, or assignee, shall have the like priority for the recovery and receipt of the moneys out of the estate and effects of such insolvent or deceased principal as is secured to the United States; and may bring and maintain a suit upon the bond, in law or equity, in his own name, for the recovery of all moneys paid thereon. (R. S. § 3468.)

#### DERIVATION

Act Mar. 2, 1799, ch. 22, § 65, 1 Stat. 676.

**§ 194. Compromise.**—Upon a report by a district attorney, or any special attorney or agent having charge of any claim in favor of the United States, showing in detail the condition of such claim, and the terms upon which the same may be compromised, and recommending that it be compromised upon the terms so offered, and upon the recommendation of the General Counsel for the Department of the Treasury, the Secretary of the Treasury is authorized to compromise such claim accordingly. But the provisions of this section shall not apply to any claim arising under the postal laws. (R. S. § 3469; May 10, 1934, ch. 277, 11:40 a. m., § 512, 48 Stat. 758.)

#### COMPROMISE OF CASES REFERRED TO DEPARTMENT OF JUSTICE

Functions of prosecuting in the courts of the United States claims and demands by, and offenses against, the United States, and of defending claims and demands against the United States, then exercised by any agency or officer were transferred to the Department of Justice; and as to any case referred to that Department for prosecution or defense in the courts, the function of decision whether and in what manner to prosecute, compromise, etc., then exercised by any agency or officer, was transferred to the Department of Justice by Ex. Ord. No. 6166, § 5, June 10, 1933, set out as note under section 132 of Title 5, Executive Departments and Government Officers and Employees.

**§ 203. Assignments of claims; set-off against assignee.**—All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any



part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same. The provisions of this section shall not apply to payments for rent of postoffice quarters made by postmasters to duly authorized agents of the lessors.

The provisions of the preceding paragraph shall not apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating \$1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency: *Provided*, 1. That in the case of any contract entered into prior to October 9, 1940, no claim shall be assigned without the consent of the head of the department or agency concerned; 2. That in the case of any contract entered into after October 9, 1940, no claim shall be assigned if it arises under a contract which forbids such assignment; 3. That unless otherwise expressly permitted by such contract any such assignment shall cover all amounts payable under such contract and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing; 4. That in the event of any such assignment, the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of assignment with—(a) the General Accounting Office, (b) the contracting officer or the head of his department or agency, (c) the surety or sureties upon the bond or bonds, if any, in connection with such contract, and (d) the disbursing officer, if any, designated in such contract to make payment. Notwithstanding any law to the contrary governing the validity of assignments, any assignment pursuant to this paragraph and the following paragraph shall constitute a valid assignment for all purposes.

Any contract entered into by the War Department or the Navy Department may provide that payments to an assignee of any claim arising under such contract shall not be subject to reduction or set-off and if it is so provided in such contract, such payments shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of such contract. (R. S. § 3477; May 27, 1908, ch. 206, 35 Stat. 411; Oct. 9, 1940, ch. 779, § 1, 54 Stat. 1029.)

#### DERIVATION

Act July 29, 1846, ch. 66, 9 Stat. 41; act Feb. 26, 1853, ch. 81. § 1, 10 Stat. 170.



## CODIFICATION

Second paragraph was added to the Revised Statutes section cited to text by act October 9, 1940, also cited.

Third paragraph was from act October 9, 1940, cited to text.

**§ 204. Oath by person prosecuting claims.**—Any person prosecuting claims, either as attorney, or on his own account, before any of the departments or bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States, as required of persons in the civil service. (R. S. § 3478.)

## DERIVATION

Act July 17, 1862, ch. 205, § 1, 12 Stat. 610.

**§ 205 Same; who may administer.**—The oath provided for in section 204 of this title may be taken before any justice of the peace, notary public, or other person who is legally authorized to administer an oath in the State or district where the same may be administered. (R. S. § 3479.)

## DERIVATION

Act July 17, 1862, ch. 205, § 2, 12 Stat. 610.

**§ 215. Settlement of claims not exceeding \$1,000; certification of amounts found due to Congress; time for presentation.**—The head of each department and establishment acting on behalf of the Government of the United States may consider, ascertain, adjust, and determine any claim accruing after April 6, 1917, on account of damages to or loss of privately owned property where the amount of the claim does not exceed \$1,000, caused by the negligence of any officer or employee of the Government acting within the scope of his employment. Such amount as may be found to be due to any claimant shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That no claim shall be considered by a department or other independent establishment unless presented to it within one year from the date of the accrual of said claim. (Dec. 28, 1922, ch. 17, § 2, 42 Stat. 1066.)

**§ 216. Same; definitions.**—When used in section 215 of this title the terms “department and establishment” and “department or establishment” mean any executive department or other independent establishment of the Government; the word “employee” shall include enlisted men in the Army, Navy, and Marine Corps. (Dec. 28, 1922, ch. 17, § 2, 42 Stat. 1066.)

**§ 217. Same; effect of acceptance of amount found due.**—Acceptance by any claimant of the amount determined under the provisions of sections 215 and 216 of this title shall be deemed to be in full settlement of such claim against the Government of the United States. (Dec. 28, 1922, ch. 17, § 3, 42 Stat. 1066.)

**§ 224a. Settlement of claims for personal injury or death caused by Government officers and employees in foreign countries.**—When any act of omission of any officer, employee, or agent of the Government of the United States, including all officers, enlisted men,



and employees of the Army, Navy, and Marine Corps, results in the personal injury or death of any person, not an American national, in any foreign country in which the United States exercises privileges of extraterritoriality, the Secretary of State may consider, adjust, and determine any claim, arising after February 13, 1936, for the damage occasioned by such injury or death in an amount not in excess of \$1,500, United States currency, in any one case, and such amount as may be found to be due to any claimant shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That this authorization shall not apply to cases of persons in the employ of the United States: *Provided further*, That no claim shall be considered under this section by the Secretary of State unless presented to him within one year from the date of the accrual of said claim: *And provided further*, That acceptance by any claimant of the amount determined under the provisions of this section shall be deemed to be in full settlement of such claim against the Government of the United States. (Feb. 13, 1936, ch. 67, 49 Stat. 1138.)

§ 231. Liability of persons making false claims.—Any person not in the military or naval forces of the United States, or in the militia called into or actually employed in the service of the United States, who shall make or cause to be made, or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent, or who, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, makes, uses, or causes to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, or who enters into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim, or who, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, who, with intent to defraud the United States or wilfully to conceal such money or other property, delivers or causes to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt, and every person authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, who makes or delivers the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, and every person who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service any arms,



equipments, ammunition, clothes, military stores, or other public property, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall forfeit and pay to the United States the sum of \$2,000, and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit. (R. S. §§ 3490, 5438.)

## DERIVATION

R. S. § 3490 was from act Mar. 2, 1863, ch. 67, § 3, 12 Stat. 698.

R. S. § 5438 was from act Mar. 2, 1863, ch. 67, §§ 1, 3, 12 Stat. 696, 698.

§ 232. **Same; suits; procedure.**—(A) The several district courts of the United States, the District Court of the United States for the District of Columbia, the several district courts of the Territories of the United States, within whose jurisdictional limits the person doing or committing such act shall be found, shall wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit.

(B) Except as hereinafter provided, such suit may be brought and carried on by any person, as well for himself as for the United States, the same shall be at the sole cost and charge of such person, and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent, in writing, of the judge of the court and the district attorney, first filed in the case, setting forth their reasons for such consent.

(C) Whenever any such suit shall be brought by any person under clause (B) notice of the pendency of such suit shall be given to the United States by serving upon the United States attorney for the district in which such suit shall have been brought a copy of the bill of complaint and by sending, by registered mail, to the Attorney General of the United States at Washington, District of Columbia, a copy of such bill together with a disclosure in writing of substantially all evidence and information in his possession material to the effective prosecution of such suit. The United States shall have sixty days, after service as above provided, within which to enter appearance in such suit. If the United States shall fail, or decline in writing to the court, during said period of sixty days to enter any such suit, such person may carry on such suit. If the United States within said period shall enter an appearance in such suit the same shall be carried on solely by the United States. In carrying on such suit the United States shall not be bound by any action taken by the person who brought it, and may proceed in all respects as if it were instituting the suit: *Provided*, That if the United States shall additional time as the court after notice may allow, such suit may be carried on by the person bringing the same in accordance with clause (B) above. The court shall have no jurisdiction to proceed with any such suit brought under clause (B) or pending suit brought under this section whenever it shall be made to appear that such suit was based upon evidence or information in the possession of the United States, or any agency, officer or employee thereof, at the time such suit was brought: *Provided, however*, That no abatement shall be had as to a suit pending on December



23, 1943 if before such suit was filed such person had in his possession and voluntarily disclosed to the Attorney General substantial evidence and information which was not theretofore in the possession of the Department of Justice.

(D) In any suit whether or not on appeal pending on December 23, 1943, brought under this section, the court in which such suit is pending shall stay all further proceedings, and shall forthwith cause written notice, by registered mail, to be given the Attorney General that such suit is pending, and the Attorney General shall have sixty days from the date of such notice to appear and carry on such suit in accordance with clause (C).

(E) (1) In any such suit, if carried on by the United States as herein provided, the court may award to the person who brought such suit, out of the proceeds of such suit or any settlement of any claim involved therein, which shall be collected, an amount which in the judgment of the court is fair and reasonable compensation to such person for disclosure of the information or evidence not in the possession of the United States when such suit was brought. Any such award shall in no event exceed one-tenth of the proceeds of such suit or any settlement thereof.

(2) In any such suit when not carried on by the United States as herein provided, whether heretofore or hereafter brought, the court may award to the person who brought such suit and prosecuted it to final judgment, or to settlement, as provided in clause (B), out of the proceeds of such suit or any settlement of any claim involved therein, which shall be collected, an amount, not in excess of one-fourth of the proceeds of such suit or any settlement thereof, which in the judgment of the court is fair and reasonable compensation to such person for the collection of any forfeiture and damages; and such person shall be entitled to receive to his own use such reasonable expenses as the court shall find to have been necessarily incurred and all costs the court may award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: *Provided*, That such person shall be liable for all costs incurred by himself in such case and shall have no claim therefor on the United States. (R. S. § 3491; June 25, 1936, ch. 804, 49 Stat. 1921; Dec. 23, 1943, ch. 377, § 1, 57 Stat. 608.)

§ 233. Duty of district attorney as to such cases—It shall be the duty of the several district attorneys of the United States for the respective districts for the District of Columbia, and for the several Territories, to be diligent in inquiring into any violation of the provisions of section 231 of this title by persons liable to such suit, and found within their respective districts or Territories, and to cause them to be proceeded against in due form of law for the recovery of such forfeiture and damages. And such person may be arrested and held to bail in such sum as the district judge may order, not exceeding the sum of \$2,000, and twice the amount of damages sworn to in the affidavit of the person bringing the suit. (R. S. § 3492.)

#### DERIVATION

Act Mar. 2, 1863, ch. 67, § 5, 12 Stat. 698.



**§ 235. Limitation of suit.**—Every such suit shall be commenced within six years from the commission of the act, and not afterward. (R. S. § 3494.)

#### DERIVATION

Act Mar. 2, 1863, ch. 67, § 7, 12 Stat. 698.

**§ 236. Meritorious claims against United States not subject to lawful adjustment; submission to Congress by Comptroller General.**—When there is filed in the General Accounting Office a claim or demand against the United States that may not lawfully be adjusted by the use of an appropriation theretofore made, but which claim or demand in the judgment of the Comptroller General of the United States contains such elements of legal liability or equity as to be deserving of the consideration of the Congress, he shall submit the same to the Congress by a special report containing the material facts and his recommendation thereon. (Apr. 10, 1928, ch. 334, 45 Stat. 413.)

#### CROSS REFERENCE

For limitations of time on claims and demands see section 71a of this title.

### THE PUBLIC MONEYS

**§ 481. Bond of special agents.**—Whenever it becomes necessary for the head of any department or office to employ special agents, other than officers of the Army or Navy, who may be charged with the disbursement of public moneys, such agents shall, before entering upon duty, give bond in such form and with such security as the head of the department or office employing them may approve. (R. S. § 3614.)

#### DERIVATION

Act Aug. 4, 1854, ch. 242, § 14, 10 Stat. 573.

**§ 482.—Collectors of public moneys to pay over.**—All collectors and receivers of public money of every description, within the District of Columbia, shall, as often as they may be directed by the Secretary of the Treasury or the Postmaster General so to do, pay over to the Treasurer of the United States, at the Treasury, all public moneys collected by them or in their hands. All such collectors and receivers of public moneys within the cities of New York, Boston, Philadelphia, New Orleans, San Francisco, Baltimore, Charleston, and Saint Louis shall, upon the same direction, pay over to the designated depository in their respective cities, at such offices, respectively, all the public moneys collected by them, or in their hands; to be safely kept by the respective depositories, until otherwise disposed of according to law. It shall be the duty of the Secretary and Postmaster General, respectively, to direct such payments by collectors and receivers, at least as often as one in each week, and as much oftener as they may think proper. (R. S. § 3615; May 29, 1920, ch. 214, § 1, 41 Stat. 654.)

#### DERIVATION

Act Aug. 6, 1846, ch. 90, § 9, 9 Stat. 61; act Feb. 12, 1873, ch. 131, § 65, 17 Stat. 435.



**§ 483. Marshals and district attorneys paying into Treasury.**—All marshals, district attorneys, and other persons than those mentioned in section 482 of this title, having public money to pay to the United States, may pay the same to any depository constituted by or in pursuance of law, which may be designated by the Secretary of the Treasury. (R. S. § 3616.)

## DERIVATION

Act Aug. 6, 1846, ch. 90, § 15, 9 Stat. 62; act July 8, 1870, ch. 230, § 111, 16 Stat. 216.

**§ 484. Deposit without deduction.**—The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided in section 487 of this title, shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. But nothing herein shall affect any provision relating to the revenues of the of the Post Office Department. (R. S. § 3617.)

## DERIVATION

Act Mar. 3, 1849, ch. 110, § 1, 9 Stat. 398; act Sept. 28, 1850, ch. 78, § 3, 9 Stat. 507.

**§ 485. Receipts from private messages sent over Government lines.**—All moneys received for the transmission of private dispatches over any and all telegraph lines owned or operated by the United States, shall be paid into the Treasury of the United States, as required by section 484 of this title. (Mar. 3, 1883, ch. 143, 22 Stat. 616.)

**§ 487. Proceeds of sales of material.**—All proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, except the proceeds of the sale or leasing of marine hospitals, or the sale of Coast Guard cutters, or the sales of commissary stores to the officers and enlisted men of the Army, or of materials, stores, or supplies sold to officers and soldiers of the Army or of the sale of condemned Navy clothing, or of sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall be deposited and covered into the Treasury as miscellaneous receipts, on account of "proceeds of Government property", and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law. Under such regulations as the Secretary of War may prescribe, the commanding officers of mounted units of the National Guard may sell all stable refuse and empty grain sacks and containers at public or private sale and apply the proceeds derived therefrom to the purchase of feed, supplementing the regular allowance and issue for the animals of the said units, and for the purchase of stable equipment, and horseshoers', saddlers', blacksmiths', and wagoners' tools not an article of issue to such organizations. (R. S. § 3618; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 249; Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; Oct. 14, 1940, ch. 875, § 4, 54 Stat. 1136.)

## DERIVATION

Act Mar. 3, 1847, ch. 48, § 1, 9 Stat. 171; act Apr. 20, 1866, ch. 63, §§ 1, 2, 14 Stat. 40; act July 28, 1866, ch. 299, § 25, 14 Stat. 336; act May 3, 1872, ch. 140, § 5, 17 Stat. 83; act June 8, 1872, ch. 348, 17 Stat. 337.



**§ 489. Payment of expenses of sales from proceeds.**—From the proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, before being deposited into the Treasury, either as miscellaneous receipts on account of “proceeds of Government property” or to the credit of the appropriations to which such proceeds are by law authorized to be made, there may be paid the expenses of such sales, as approved by the General Accounting Office, so as to require only the net proceeds of such sales to be deposited into the Treasury, either as miscellaneous receipts or to the credit of such appropriations, as the case may be. (June 8, 1896, ch. 373, § 1, 29 Stat. 268; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

**§ 490. Penalty for withholding money.**—Every officer or agent who neglects or refuses to comply with the provisions of section 484 of this title shall be subject to be removed from office, and to forfeit to the United States any share or part of the moneys withheld, to which he might otherwise be entitled. (R. S. § 3619.)

DERIVATION

Act July 18, 1866, ch. 201, § 40, 14 Stat. 187.

**§ 492. Duty of disbursing officers.**—Except as otherwise provided by law it shall be the duty of every disbursing officer having any public money entrusted to him for disbursement, to deposit the same with the Treasurer or with one of the depositaries of the United States mentioned in section 476 of this title, and to draw for the same only as it may be required for payments to be made by him in pursuance of law and draw for the same only in favor of the persons to whom payment is made; and all transfers from the Treasurer of the United States to a disbursing officer shall be by draft or warrant on the Treasury. In places, however, where there is no treasurer or depositary, the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depositary, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public creditors. (R. S. § 3620; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 249; May 29, 1920, ch. 214, § 1, 41 Stat. 654, 655.)

DERIVATION

Act June 14, 1866, ch. 122, § 1, 14 Stat. 64.

**§ 495. Deposit of moneys with public depositary; receipts; postal revenues.**—Every person who shall have moneys of the United States in his hands or possession, and disbursing officers having moneys in their possession not required for current expenditure, shall pay the same to the Treasurer, or some public depositary of the United States, without delay, and in all cases within thirty days of their receipt. And the Treasurer or the public depositary shall issue duplicate receipts for the moneys so paid, transmitting forthwith the original to the Secretary of the Treasury, and delivering the duplicate to the depositor: *Provided*, That postal revenues and debts due to the Post Office



Department shall be paid into the Treasury in the manner required by law. (R. S. § 3621; May 28, 1896, ch. 252, § 5, 29 Stat. 179; May 29, 1920, ch. 214, § 1, 41 Stat. 654, 655.)

## DERIVATION

Act Mar. 3, 1857, ch. 114, § 3, 11 Stat. 249.

§ 496. **Accounts.**—Except as otherwise provided, every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay or emolument, shall render his accounts monthly. Such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be sent by mail, or otherwise, to the bureau to which they pertain, within ten days after the expiration of each successive month, and, after examination there, shall be passed to the General Accounting Office for settlement. Disbursing officers of the Navy shall, however, render their accounts and vouchers direct to the General Accounting Office. In case of the nonreceipt at the General Accounting Office or proper bureau of any accounts within a reasonable and proper time thereafter, the officer whose accounts are in default shall be required to furnish satisfactory evidence of having complied with the provisions of this section. Nothing contained in this section shall, however, be construed to restrain the heads of any of the departments from requiring such other returns or reports from the officer or agent, subject to the control of such heads of departments, as the public interest may require. (R. S. § 3622; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 249; July 31, 1894, ch. 174, § 12, 28 Stat. 209; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

§ 498. **Same; distinct accounts required.**—All officers, agents, or other persons receiving public moneys shall render distinct accounts of the application thereof, according to the appropriation under which the same may have been advanced to them. (R. S. § 3623.)

## DERIVATION

Act Mar. 3, 1809, ch. 28, § 1, 2 Stat. 535.

§ 505. **Suits to recover money from officers.**—Whenever any person accountable for public money neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States, upon the adjustment of his account, the Department of Justice shall institute suit for the recovery of the same, adding to the sum stated to be due on such account, the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of 6 per centum per annum, from the time of receiving the money until it shall be repaid into the Treasury. (R. S. § 3624; June 10, 1921, ch. 18, § 304, 42 Stat. 24; Ex. Ord. No. 6166, § 5, June 10, 1933.)

## DERIVATION

Act Mar. 3, 1797, ch. 20, § 1, 1 Stat. 512.

## TRANSFER OF FUNCTIONS

Function of prosecuting in the courts claims and demands by the Government of the United States transferred to Department of Justice, see Ex.



Ord. No. 6166, § 5, note to section 132 of Title 5, Executive Departments and Government Officers and Employees.

**§ 506. Distress warrant.**—Whenever any collector of the revenue, receiver of public money, or other officer who has received the public money before it is paid into the Treasury of the United States, fails to render his account, or pay over the same in the manner or within the time required by law, it shall be the duty of the General Accounting Office to cause to be stated the account of such officer, exhibiting truly the amount due to the United States, and to certify the same to the General Counsel for the Department of the Treasury, who shall issue a warrant of distress against the delinquent officer and his sureties, directed to the marshal of the district in which such officer and his sureties reside. Where the officer and his sureties reside in different districts, or where they, or either of them, reside in a district other than that in which the estate of either may be, which it is intended to take and sell, then such warrant shall be directed to the marshals of such districts, respectively. (R. S. 3625; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 249; July 31, 1894, ch. 174, § 4, 28 Stat. 206; June 10, 1921, ch. 18, § 304, 42 Stat. 24; May 10, 1934, ch. 277, § 512, 48 Stat. 759.)

#### DERIVATION

Act May 15, 1820, ch. 107, § 2, 3 Stat. 592; act May 29, 1830, ch. 153, § 1, 4 Stat. 414.

**§ 507. Same; contents.**—The warrant of distress shall specify the amount with which such delinquent is chargeable, and the sums, if any, which have been paid. (R. S. § 3626.)

#### DERIVATION

Act May 15, 1820, ch. 107, § 2, 3 Stat. 592; act May 29, 1830, ch. 153, § 1, 4 Stat. 414.

**§ 508. Same; execution against officer.**—The marshal authorized to execute any warrant of distress shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer, having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town and county where the goods or chattels were taken, or in the town or county where the owner of such goods or chattels may reside. If the goods and chattels be not sufficient to satisfy the warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law. (R. S. § 3627.)

#### DERIVATION

Act May 15, 1820, ch. 107, § 2, 3 Stat. 593.

**§ 509. Same; execution against surety.**—If the delinquent officer absconds, or if goods and chattels belonging to him cannot be found sufficient to satisfy the warrant, the marshal of his deputy shall proceed, notwithstanding the commitment of the delinquent officer, to levy and collect the sum which remains



due by such delinquent, by the distress and sale of the goods and chattels of his sureties; having given ten days' previous notice of such intended sale, by affixing an advertisement of the article to be sold at two or more public places in the town or county where the goods or chattels were taken, or in the town or county where the owner resides. (R. S. § 3628.)

## DERIVATION

Act May 15, 1820, ch. 107, § 2, 3 Stat. 593.

§ 510. **Levy to be lien.**—The amount due by any delinquent officer is declared to be a lien upon the lands, tenements, and hereditaments of such officer and his sureties, from the date of a levy in pursuance of the warrant of distress issued against him or them, and a record thereof made in the office of the clerk of the district court of the proper district, until the same is discharged according to law. (R. S. § 3629.)

## DERIVATION

Act May 15, 1820, ch. 107, § 2, 3 Stat. 593.

§ 511. **Sale of lands regulated.**—For want of goods and chattels of a delinquent officer, or his sureties, sufficient to satisfy any warrant of distress issued pursuant to sections 506-510 of this title, the lands, tenements, and hereditaments of such officer and his sureties, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situated, before the time of sale, shall be sold by the marshal of such district or his deputy. (R. S. § 3630.)

## DERIVATION

Act May 15, 1820, ch. 107, § 2, 3 Stat. 593.

§ 512. **Conveyance of lands.**—For all lands, tenements, or hereditaments sold in pursuance of section 511 of this title, the conveyance of the marshal or his deputy, executed in due form of law, shall give a valid title against all persons claiming under such delinquent officer or his sureties. (R. S. 3631.)

## DERIVATION

Act May 15, 1820, ch. 107, § 2, 3 Stat. 593.

§ 513. **Disposal of surplus.**—All moneys which may remain of the proceeds of sales, after satisfying the warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be. (R. S. § 3632.)

## DERIVATION

Act May 15, 1820, ch. 107, § 2, 3 Stat. 593.

§ 514. **Failure of disbursing officer to account.**—Whenever any officer employed in the civil, military, or naval service of the Government, to disburse the public money appropriated for those branches of the public service, respectively, fails to render his accounts, or to pay over, in the manner and in the times required by law, or by the regulations of the department to which he is



accountable, any sum of money remaining in his hands, it shall be the duty of the General Accounting Office to cause to be stated and certified the account of such delinquent officer to the General Counsel of the Department of the Treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in sections 508-513 of this title. (R. S. § 3633; July 31, 1894, ch. 174, § 4, 28 Stat. 206; June 10, 1921, ch. 18, § 304, 42 Stat. 24; May 10, 1934, ch. 277, title III, § 512, 48 Stat. 758.)

## DERIVATION

Act May 15, 1820, ch. 107, § 3, 3 Stat. 594; act May 29, 1830, ch. 153, § 1, 4 Stat. 414.

**§ 516.<sup>1</sup> Extent of application of provision for distress warrants.**—All the provisions relating to the issuing of a warrant of distress against a delinquent officer shall extend to every officer of the Government charged with the disbursement of the public money, and to their sureties, in the same manner and to the same extent as if they were described and enumerated in sections 506-520 of this title. (R. S. § 3634.)

## DERIVATION

Act May 15, 1820, ch. 107, § 3, 3 Stat. 594.

**§ 517. Postponement of proceedings for nonaccounting.**—With the approval of the Secretary of the Treasury, the institution of proceedings by a warrant of distress may be postponed, for a reasonable time, in cases where, in his opinion, the public interest will sustain no injury by such postponement. (R. S. § 3635.)

## DERIVATION

Act May 15, 1820, ch. 107, § 3, 3 Stat. 594.

**§ 518. Injunction to stay distress warrant.**—Any person who considers himself aggrieved by any warrant of distress issued under the provisions of sections 506-517 of this title may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the judge may grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires. But no injunction shall issue till the party applying for it gives bond, with sufficient security, in a sum to be prescribed by the judge, for the performance of such judgment as may be awarded against him; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of the warrant. And the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States; and, if, upon dissolving the injunction, it appears to the satisfaction of the judge that the application for the injunction was merely for delay, the judges may add to the lawful interest assessed on all sums found due against the complainant such damages as, with such lawful interest, shall not exceed the rate of 10 per centum a year. Such injunction may be granted or dis-

<sup>1</sup> Number 515 was not used for a section in the original United States Code.



solved by the district judge either in or out of court. (R. S. § 3636.)

#### DERIVATION

Act May 15, 1820, ch. 107, §§ 4, 5, 3 Stat. 595.

§ 519. **Proceedings on distress.**—When the district judge refuses to grant an injunction to stay proceedings on a distress warrant, as aforesaid in section 518 of this title, or dissolve such injunction after it is granted any person who considers himself aggrieved by the decision in the premises may lay before the circuit justice, or circuit judge of the circuit within which such district lies, a copy of the proceeding had before the district judge; and thereupon the circuit justice or circuit judge may grant an injunction, or permit an appeal, as the case may be, if, in his opinion, the equity of the case requires it. (R. S. § 3637; Mar. 3, 1911, ch. 231, § 289, 36 Stat. 1167.)

#### DERIVATION

Act May 15, 1820, ch. 107, §§ 4, 6, 3 Stat. 595; act Apr. 10, 1869, ch. 22, § 2, 16 Stat. 44.

§ 520. **Rights of United States reserved.**—Nothing contained in the provisions of sections 506-520 of this title relating to distress warrants shall be construed to take away or impair any right or remedy which the United States might have, by law, for the recovery of taxes, debts, or demands. (R. S. § 3638.)

#### DERIVATION

Act May 15, 1820, ch. 107, § 9, 3 Stat. 596.

§ 521. **Duties of officers as custodians of public moneys.**—The Treasurer of the United States, all depositaries designated in accordance with section 476 of this title, and those performing the duties of assistant treasurer, all collectors of the customs, all surveyors of the customs, acting also as collectors, all receivers of public moneys at the several land offices, all postmasters, and all public officers of whatsoever character, are required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as specially allowed by law, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered by the proper department or officer of the Government, to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government which may be imposed by any law, or by any regulation of the Treasury Department made in conformity to law. The President is authorized, if in his opinion the interest of the United States requires the same, to regulate and increase the sums for which bonds are, or may be, required by law, of all district attorneys, collectors of customs, comptrollers of customs, and surveyors of customs, Navy agents, Quartermaster General, registers of public lands, paymasters in the Army, and by all other officers employed in the disbursement of the public moneys, under the direction of the War or Navy Departments. (R. S. § 3639; Aug. 24, 1912, ch. 391, § 3, 37 Stat. 591; Apr. 27, 1914,



ch. 72, 38 Stat. 356; May 29, 1920, ch. 214, § 1, 41 Stat. 655; Sept. 21, 1922, ch. 356, title IV, § 523, 42 Stat. 974; June 17, 1930, ch. 497, title IV, § 523, 46 Stat. 740.)

#### DERIVATION

Act Aug. 6, 1846, ch. 90, § 6, 9 Stat. 60; act July 3, 1852, ch. 54, § 7, 10 Stat. 12; act Mar. 3, 1857, ch. 114, § 2, 11 Stat. 249; act Apr. 21, 1862, ch. 59, § 5, 12 Stat. 382; act Mar. 3, 1863, ch. 96, § 5, 12 Stat. 770; act July 4, 1864, ch. 24, § 5, 13 Stat. 383; act Feb. 18, 1869, ch. 33, § 4, 15 Stat. 271.

**§ 528. Duplicates for lost, stolen, destroyed, mutilated or defaced checks—(a) Issuance of duplicate; bond of indemnity.**—Except as hereinafter provided, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, persons authorized to issue such checks on behalf of the United States are authorized, before the close of the fiscal year following the fiscal year in which the original check was issued, to issue to the owner or holder thereof a substitute, marked "duplicate" and showing the number, date, and payee of the original check, upon the receipt and approval by the Secretary of the Treasury of a bond, to indemnify the United States, in such form and amount and with such surety, sureties, or security as the Secretary of the Treasury shall require; but no such substitute shall be payable if the original check shall first have been paid: *Provided, however,* That the authority herein conferred to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, be issued without limitation of time.

**(b) Exceptions.**—A bond of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as provided in this subsection: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (including the Postal Service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the Postal Service when otherwise acting solely in its capacity as a public carrier of the mail), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under section 134 of Title 5; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is less than \$50 and the Secretary of the Treasury is satisfied that the giving of



a bond of indemnity would be an undue hardship to the owner or holder; (5) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however,* That in any of the foregoing classes of cases the Secretary of the Treasury may require a bond of indemnity if he deems it essential to the public interest.

(c) **Rules and regulations.**—The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provision of this section.

(d) **Post Office Department check.**—Notwithstanding the provisions of subsections (a), (b), and (c) of this section, whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a substitute, marked “duplicate” and showing the number, date, and payee of the original check, before the close of the fiscal year following the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided,* That when such original check does not exceed in amount the sum of \$50 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

(e) **Payment of substitute check.**—Substitutes, marked as provided in this section, drawn on the Treasurer of the United States, shall, after the lapse of the period fixed by section 725t of this title, for the payment of the original checks, be payable only as the original checks would be payable thereunder.

(f) **Definitions.**—The term “original check” wherever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (d) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.

(R. S. § 3646; Feb. 16, 1885, ch. 123, 23 Stat. 306; Mar. 23, 1906,



ch. 1129, 34 Stat. 84; June 19, 1906, ch. 3434, 34 Stat. 301; May 27, 1908, ch. 206, 35 Stat. 415; Feb. 23, 1909, ch. 174, 35 Stat. 643; Mar. 21, 1916, ch. 52, 39 Stat. 37; July 8, 1937, ch. 444, § 9, 50 Stat. 482; Aug. 10, 1939, ch. 665, §§ 5-7, 53 Stat. 1359.)

## DERIVATION

Act Feb. 2, 1872, ch. 12, § 1, 17 Stat. 29.

**§ 529. Advances of public moneys; prohibition against.**—No advance of public money shall be made in any case. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. It shall, however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. The President may also direct such advances as he may deem necessary and proper, to persons in the military and naval service employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled cannot be regularly effected. (R. S. § 3648.)

## DERIVATION

Act Jan. 31, 1823, ch. 9, § 1, 3 Stat. 723.

**§ 530. Same; payment in advance for periodicals.**—The annual subscriptions for publications for use in the immigration service at large; subscriptions for publications for the Department of Agriculture, to be paid for by the Secretary of Agriculture; subscriptions to newspapers, magazines, periodicals, and other publications, purchased from funds of the Quartermaster Corps; subscriptions for publications for the Veterans' Administration, to be paid for by the director; subscriptions for newspapers and periodicals for the naval service; subscriptions to periodicals, which have been certified in writing by the respective heads of the executive departments or other Government establishments to be required for official use, to be paid from appropriations available therefor; subscription charges for newspapers, magazines, and other periodicals for official use of any office under the Government of the United States or the municipal government of the District of Columbia, to be paid from appropriations available therefor, may be paid in advance. (Mar. 3, 1905, ch. 1483, § 1, 33 Stat. 1182; Mar. 4, 1909, ch. 301, 35 Stat. 1054; Apr. 27, 1914, ch. 72, 38 Stat. 362; Mar. 3, 1915, ch. 83, 38 Stat. 929; Mar. 4, 1915, ch. 141, § 5, 38 Stat. 1049; June 7, 1924, ch. 292, § 1, 43 Stat. 533; June 12, 1930, ch. 470, 46 Stat. 580; July 3, 1930, ch. 863, § 1, 46 Stat. 1016.)

**§ 533. Same; Department of Agriculture.**—Advances of public money from the appropriations for the Department of Agriculture shall, except as provided in section 534 of this title, be made by the Secretary of Agriculture only to such chiefs of field parties, agricultural explorers, special agents, and others as shall



have given bonds in such sums as the Secretary of Agriculture shall direct. (June 3, 1902, ch. 985, 32 Stat. 303.)

**§ 534. Same; Forest Service for fighting forest fires in emergency cases.**—Advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the General Accounting Office. (May 23, 1908, ch. 192, 35 Stat. 259; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

**§ 543. Exchange of funds restricted.**—No exchange of funds shall be made by any disbursing officer or agent of the Government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold, silver, United States notes, and national-bank notes; and every such disbursing officer, when the means for his disbursements are furnished to him in gold, silver, United States notes, or national-bank notes, shall make his payments in the moneys so furnished; or when they are furnished to him in drafts, shall cause those drafts to be presented at their place of payment, and properly paid according to law, and shall make his payments in the money so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par. And it shall be the duty of the head of the proper department immediately to suspend from duty any disbursing officer or agent who violates the provisions of this section, and forthwith to report the name of the officer or agent to the President, with the fact of the violation, and all the circumstances accompanying the same, and within the knowledge of the Secretary, to the end that such officer or agent may be promptly removed from office, or restored to his trust and the performance of his duties, as the President may deem just and proper. (R. S. § 3651.)

**§ 544. Premium on sales of public moneys to be accounted for.**—No officer of the United States shall either directly or indirectly, sell or dispose of to any person, for a premium, any Treasury note, draft, warrant, or other public security, not his private property, or sell or dispose of the avails of proceeds of such note, draft, warrant, or security, in his hands for disbursement, without making return of such premium, and accounting therefor by charging the same in his accounts to the credit of the United States; and any officer violating this section shall be forthwith dismissed from office. (R. S. 3652.)

#### DERIVATION

Act Aug. 6, 1846, ch. 90, § 21, 9 Stat. 65.

**§ 545. Expenses of fiscal agents.**—The officers, respectively, whose duty it is made by sections 119, 472, 474, 475, 480-484, 487, 490, 492, 495, 496, 498, 505-529, 543-545, 547a, 548, 549 of this title to receive, keep, or disburse the public moneys, as the fiscal



agents of the Government, may be allowed any necessary additional expenses for fireproof chests or vaults, or other necessary expenses of collecting, safekeeping, transferring, or disbursing the moneys; but all such expenses of every character shall be first expressly authorized by the Secretary of the Treasury, whose directions upon all the above subjects, by way of regulation and otherwise, so far as authorized by law, shall be strictly followed by all the officers. But no part of the money appropriated for the purposes above mentioned shall be expended for clerical services or payment of employees of any nature or grade. (R. S. § 3653; Aug. 7, 1882, ch. 433, 22 Stat. 312; Jan. 22, 1925, ch. 87, 43 Stat. 767.)

#### DERIVATION

Act Aug. 6, 1846, ch. 90, § 13, 9 Stat. 62.

**§ 551. Use of public moneys for expenses of conventions or other assemblages.**—Unless specifically provided by law, no moneys from funds appropriated for any purpose shall be used for the purpose of lodging, feeding, conveying, or furnishing transportation to, any conventions or other form of assemblage or gathering to be held in the District of Columbia or elsewhere. This section shall not be construed to prohibit the payment of expenses of any officer or employee of the Government in the discharge of his official duties. (Feb. 2, 1935, ch. 4, 49 Stat. 19.)

#### CROSS REFERENCE

4-H Boys and Girls Clubs to be allowed necessary expenses for assemblages notwithstanding this section, see sections 552 of this title.

**§ 552. Same; 4-H Boys and Girls Clubs.**—Nothing contained in section 551 of this title shall be construed to prohibit the Secretary of Agriculture from paying the necessary expenses for assemblages of the 4-H Boys and Girls Clubs, called by the Secretary of Agriculture in the District of Columbia or elsewhere, in the furtherance of the cooperative extension work of the Department. (June 17, 1935, ch. 271, 49 Stat. 387.)

#### CHECK FORGERY INSURANCE FUND

**§ 561. Creation of fund; appropriations.**—There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, to be available until expended, to be used by the Treasurer of the United States, under the direction of the Secretary of the Treasury, for making settlement with the payees and special indorsees of certain checks drawn on the Treasurer of the United States, as hereinafter provided. There is hereby further authorized to be appropriated from time to time such additional sums as may be necessary for such purpose. There shall be on deposit with the Treasurer of the United States in a special deposit account a revolving fund, to be known as the check forgery insurance fund (hereinafter referred to as "the fund"), to be composed of the sum of \$50,000 and such further sums as may hereafter be appropriated from time to time, together with all recoveries deposited



to the credit of the fund as hereinafter provided. (Nov. 21, 1941, ch. 489, § 1, 55 Stat. 777.)

#### EFFECTIVE DATE

Section 5 of act Nov. 21, 1941, cited to text, provided as follows: "This Act (Title 31, §§ 561-564) shall take effect on the sixtieth day following the date of its enactment."

**§ 562. Payments from fund to payees, etc., of loss or stolen checks on United States paid on forged indorsements.**—Whenever it is established (a) that any check heretofore or hereafter drawn on the Treasurer of the United States has been lost or stolen, without the fault of the payee or a holder who is a special indorsee and whose indorsement is necessary to the further negotiation of such check, (b) that such check has thereafter been negotiated and paid by the Treasurer on a forged indorsement of the payee's or special indorsee's name, (c) that the payee or special indorsee has not participated either directly or indirectly in the proceeds of such negotiation or payment, and (d) that reclamation from the forger or transferees or parties on such check subsequent to the forgery has been or may be delayed or be unsuccessful, the Treasurer of the United States is authorized and directed to draw on the fund prior to reclamation to pay such payee or special indorsee the amount of such check, without interest. (Nov. 21, 1941, ch. 489, § 2, 55 Stat. 777.)

#### EFFECTIVE DATE

Effective date of act Nov. 21, 1941, cited to text, see note under section 561 of this title.

#### CROSS REFERENCES

Duplicates for lost, stolen, mutilated, etc., checks, see section 528 of this title.

**§ 563. Criminal or civil liability of forger and subsequent indorsers; deposit of collections.**—Nothing contained in this subchapter shall be construed to relieve the forger from civil or criminal liability, nor to relieve any transferee or party on such check subsequent to the forgery from liability on his express or implied guaranty of prior indorsements, or liability to make refund to the Treasurer of the United States, and all amounts received by the Treasurer by way of reclamation from such persons, or other persons making repayment on behalf of such persons, to the extent that such amounts are necessary to reimburse the fund for payments made to payees or special indorsees therefrom shall forthwith be deposited to the credit of the fund and shall be available for the purposes thereof. (Nov. 21, 1941, ch. 489, § 3, 55 Stat. 778.)

#### EFFECTIVE DATE

Effective date of act Nov. 21, 1941, cited to text, see note under section 561 of this title.

**§ 564. Rules and regulations.**—The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary or proper for the administration of the provisions of this subchapter. (Nov. 21, 1941, ch. 489, § 4, 55 Stat. 778.)

#### EFFECTIVE DATE

Effective date of act Nov. 21, 1941, cited to text, see note under section 561 of this title.



## APPROPRIATIONS

**§ 581. Contents of estimates of appropriations and statements of expenditures and estimated expenditures; statements accompanying lump-sum appropriations.**—(a) Except as otherwise provided in sections 11, 13-24, 581, 582, 585-588, 593-596, 600, 604, 609, 612, 614, 617, 618, 622-624, 683 of this title, the contents, order, and arrangements of the estimates of appropriations and the statements of expenditures and estimated expenditures contained in the Budget or transmitted under section 14 of this title, and the notes and other data submitted therewith, shall conform to the requirements of existing law.

(b) Estimates for lump-sum appropriations contained in the Budget or transmitted under section 14 of this title shall be accompanied by statements showing, in such detail and form as may be necessary to inform Congress, the manner of expenditure of such appropriations and of the corresponding appropriations for the fiscal year in progress and the last completed fiscal year. Such statements shall be in lieu of statements of like character otherwise required by law. (June 10, 1921, ch. 18, § 204, 42 Stat. 21.)

**§ 582. Statements required with estimates for lump-sum appropriations.**—There shall be submitted in the annual Budget following every estimate for a general or lump-sum appropriation, except public buildings or other public works constructed under contract, a statement showing in parallel columns:

First, the number of persons, if any, intended to be employed and the rates of compensation to each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures specified or contemplated in the estimate, including a statement of estimated unit cost of any construction work proposed to be done; and

Second, the number of persons, if any, employed and the rate of compensation paid each, and the amounts expended for each other object or class of expenditure, and the actual unit cost of any construction work done, out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted.

Other notes shall not be submitted following any estimate embraced in the annual Budget other than such as shall suggest changes in form or order of arrangement of estimates and appropriations and reasons for such changes. (Aug. 24, 1912, ch. 355, § 6, 37 Stat. 487; Aug. 1, 1914, ch. 223, § 10, 38 Stat. 680; June 10, 1921, ch. 18, § 204, 42 Stat. 21.)

## CROSS REFERENCE

Estimates of expenditures and appropriations in Budget to conform to classifications of civilian employees, see section 674 of Title 5, Executive Departments and Government Officers and Employees.

**§ 583. Enumeration of estimates required.**—There shall be submitted annually in addition to any other estimates required by law to be submitted:

\* \* \* \* \*



**(7) Farm Credit Administration and Federal Farm Loan Bureau.**—Detailed estimates for appropriations for the Farm Credit Administration and the Federal Farm Loan Bureau. (Sept. 8, 1916, ch. 464, § 1, 39 Stat. 803; Mar. 3, 1917, ch. 163, § 1, 39 Stat. 1084; Mar. 27, 1933, Ex. Ord. No. 6084.)

**§ 585. Manner of communicating estimates.**—Estimates of expenditures and appropriations communicated to the Bureau of the Budget shall specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded, and shall discriminate between such estimates as are conjectural in their character and such as are framed upon actual information and applications from disbursing officers. They shall also give references to any law or treaty by which the proposed expenditures are, respectively, authorized, specifying the date of each, and the volume and page of the Statutes at Large, or of this Code, as the case may be, and the section of the Act in which the authority is to be found. (R. S. § 3660; June 10, 1921, ch. 18, § 215, 42 Stat. 23.)

#### DERIVATION

Act Aug. 26, 1842, ch. 202, § 14, 5 Stat. 525.

#### CROSS REFERENCES

Contents of estimates of appropriations and statements of expenditures and estimated expenditures, see section 581 of this title.

Departmental and supplemental and deficiency estimates submitted to Bureau of the Budget to be prepared and submitted in such form, manner, and detail as President may prescribe, see section 24 of this title.

**586. Order and arrangement of estimates and general appropriation bills.**—The estimates for expenses of the Government, and supplemental or deficiency estimates, except those for sundry civil expenses, shall be prepared and submitted each year according to the order and arrangement of the appropriation Acts for the year preceding. And any changes in such order and arrangement, and transfers of salaries from one office or bureau to another office or bureau, or the consolidation of offices or bureaus desired by the head of any executive department may be submitted by note in the estimates. The committees of Congress in reporting general appropriation bills shall, as far as may be practicable, follow the general order and arrangement of the respective appropriation Acts for the year preceding. (June 22, 1906, ch. 3514, § 4, 34 Stat. 448; Sept. 8, 1916, ch. 464, § 4, 39 Stat. 830; June 10, 1921, ch. 18, §§ 203, 204, 42 Stat. 21.)

**§ 587. Estimates not conforming to requirements rearranged.**—When estimates hereafter transmitted to the Bureau of the Budget for submission to Congress do not in form and arrangement comply with the provisions of section 586 of this title, they shall be rearranged so as to comply with said requirements of law. (Mar. 4, 1909, ch. 297, § 4, 35 Stat. 907; June 10, 1921; ch. 18, §§ 204, 215, 42 Stat. 21, 23.)

**§ 588. Estimates for printing and binding; only appropriations made for printing and binding used therefor.**—There shall be submitted in the regular annual estimates under and as a part of the expenses for "printing and binding", estimates for all print-



ing and binding required by each of the executive departments, their bureaus and offices, and other Government establishments at Washington, District of Columbia, for each fiscal year; and no appropriations other than those made specifically and solely for printing and binding shall be used for such purposes in any executive department or other Government establishment in the District of Columbia: *Provided*, That nothing in this section shall apply to stamped envelopes, or envelopes and articles of stationery other than letterheads and noteheads, printed in the course of manufacture, or to so much of the printing and binding as is necessary to expedite the work of that branch of The Adjutant General's Office that was formerly known as the Record and Pension Office of the War Department. (June 30, 1906, ch. 3914, § 2, 34 Stat. 762; Mar. 2, 1907, ch. 2511, 34 Stat. 1158; Mar. 4, 1907, ch. 2918, § 1, 34 Stat. 1367; June 10, 1921, ch. 18, § 215, 42 Stat. 23.)

§ 589. *Same; other officers.*—The annual estimate for appropriations for every public officer who is authorized to have printing and binding done at the Government Printing Office for the use of his public office, shall include such sum or sums as may seem necessary "for printing and binding, to be executed under the direction of the Public Printer." (R. S. § 3661; July 31, 1876, ch. 246, 19 Stat. 105; Jan. 12, 1895, ch. 23, § 17, 28 Stat. 603.)

#### DERIVATION

Act May 8, 1872, ch. 140, § 2, 17 Stat. 82.

§591. *Estimates; for salaries.*—All estimates for the compensation of officers authorized by law to be employed shall be founded upon the express provisions of law, and not upon the authority of executive distribution. (R. S. § 3662.)

#### DERIVATION

Act Mar. 3, 1855, ch. 175, § 8, 10 Stat. 670.

§ 594. *Requisites of estimates for appropriations for public works.*—Whenever any estimate submitted to the Bureau of the Budget asks an appropriation for any new specific expenditure, such as the erection of a public building, or the construction of any public work, requiring a plan before the building or work can be properly completed, such estimate shall be accompanied by full plans and detailed estimates of the cost of the whole work. All subsequent estimates for any such work shall state the original estimated cost, the aggregate amount theretofore appropriated for the same, and the amount actually expended thereupon, as well as the amount asked for the current year for which such estimate is made. And if the amount asked is in excess of the original estimate, the full reasons for the excess, and the extent of the anticipated excess, shall be also stated. (R. S. § 3663; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 249; June 10, 1921, ch. 18, § 215, 42 Stat. 23.)

#### DERIVATION

Act June 17, 1844, ch. 105, § 2, 5 Stat. 693; act Mar. 3, 1855, ch. 175, § 8, 10 Stat. 670.



## CROSS REFERENCES

Contents of estimates of appropriations and statements of expenditures and estimated expenditures, see section 581 of this title.

Departmental and supplemental and deficiency estimates submitted to Bureau of the Budget to be prepared and submitted in such form, manner, and detail as President may prescribe, see section 24 of this title.

**§597. Same; additional explanations.**—Whenever, in the annual estimates of expenditures required for the coming year for any department, the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and whenever new items not theretofore usual are introduced into such estimates for any year, the estimates shall be accompanied by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required, and the different items added. (R. S. § 3664.)

## DERIVATION

Act June 17, 1844, ch. 105, § 2, 5 Stat. 693; act Mar. 3, 1855, ch. 175, § 8, 10 Stat. 670.

**§ 598. Same; amount of outstanding appropriations designated.**—Estimates of expenditures required in any department during the year then approaching, shall designate not only the amount required to be appropriated for the next fiscal year, but also the amount of the outstanding appropriation, if there be any, which will probably be required for each particular item of expenditure. (R. S. § 3665.)

## DERIVATION

Act June 2, 1858, ch. 82, § 2, 11 Stat. 308.

**§ 617. Same; estimates for Department of Agriculture.**—The Secretary of Agriculture shall transmit to Congress in the annual estimates detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture, and a statement showing what proportion of the appropriation for rent of buildings and parts of buildings in the District of Columbia is paid for the quarters occupied by the various branches of the department. (June 3, 1902, ch. 985, 32 Stat. 303; Mar. 4, 1915, ch. 144, 38 Stat. 1108; Aug. 11, 1916, ch. 313, 39 Stat. 492; June 10, 1921, ch. 18, § 204, 42 Stat. 21; May 29, 1928, ch. 901, § 1 (89), 45 Stat. 992.)

## CROSS REFERENCES

Heads of departments to revise departmental estimates and submit them to Bureau of the Budget before September 15 of each year, see section 23 of this title.

President to transmit Budget containing estimates of expenditures and appropriations necessary in his judgment for support of the Government to Congress, see section 11 of this title.

**§ 623. Same; elimination of unnecessary words.**—The Bureau of the Budget shall, as nearly as may be practicable, eliminate from all estimates unnecessary words and make uniform the



language commonly used in expressing purposes or conditions of appropriations. (June 23, 1913, ch. 3, § 3, 38 Stat. 75; June 10, 1921, ch. 18, §§ 204, 207, 42 Stat. 21, 22.)

§ 624. **Same; statements accompanying.**—The Bureau of the Budget shall annex to the annual estimates of the appropriations required for the public service, a statement of the appropriations for the service of the year, which may have been made by former Acts, and submit, as a part of the appendix to the estimates, such extracts from the annual reports of the several heads of departments and bureaus as relate to estimates for appropriations, and the necessities therefor. (R. S. 3670; Mar. 3, 1875, ch. 129, § 3, 18 Stat. 370; June 10, 1921, ch. 18, §§ 204, 207, 42 Stat. 21, 22.)

#### DERIVATION

Act May 1, 1920, ch. 52, § 8, 3 Stat. 568; act June 20, 1874, ch. 328, 18 Stat. 96.

§ 626. **Statements of money received from proceeds of public property or other sources, and of payments therefrom.**—The Secretary of the Treasury shall require, and it shall be the duty of the head of each executive department, or other Government establishment to furnish him, within thirty days after the close of each fiscal year, a statement of all money arising from proceeds of public property of any kind or from any source other than the Postal Service, received by said head of department or other Government establishment during the previous fiscal year for or on account of the public service, or in any other manner in the discharge of his official duties other than as salary or compensation, which was not paid into the general Treasury of the United States, together with a detailed account of all payments, if any, made from such funds during such year: *Provided, however,* That this shall not apply to the Quartermaster Corps, as successor to the Subsistence Department. All such statements, together with a similar statement applying to the Treasury Department, shall be transmitted by the Secretary of the Treasury to Congress at the beginning of each regular session. (June 30, 1906, ch. 3914, § 5, 34 Stat. 763; Aug. 24, 1912, ch. 391, §§ 1, 3, 37 Stat. 579, 591.)

§ 627. **Construction of appropriation Acts.**—No Act of Congress passed after June 30, 1906, shall be construed to make an appropriation out of the Treasury of the United States, or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law, unless such Act shall in specific terms declare an appropriation to be made or that a contract may be executed. (June 30, 1906, ch. 3914, § 9, 34 Stat. 764.)

§ 628. **Application of moneys appropriated.**—Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others. (R. S. 3678.)

#### DERIVATION

Act Mar. 3, 1809, ch. 28, § 1, 2 Stat. 535; act Feb. 12, 1868, ch. 8, § 2, 15 Stat. 36.



**§ 629. Lump-sum appropriations; not available for increased salaries.**—Except as otherwise provided by law, no part of any money appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be transferred and paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees whose duties are of similar character and required in carrying on the various manufacturing or construcing operations of the Government. (Aug. 26, 1912, ch. 408, § 7, 37 Stat. 626; Mar. 4, 1913, ch. 142, § 4, 37 Stat. 790.)

**§ 630. Same; salaries of scientific and technical employees of Department of Agriculture.**—Section 629 of this title shall not apply to the payment, out of moneys appropriated in lump sum for the Department of Agriculture, for personal services of employees engaged in strictly scientific or technical work: *Provided*, That nothing contained herein shall be construed to authorize the transfer of any person employed at a specific salary and the payment of compensation from lump-sum appropriations at a rate greater than said specific salary. (Mar. 4, 1913, ch. 145; 37 Stat. 854.)

**§ 665. Expenditures in excess of appropriations; voluntary service forbidden; apportionment of appropriations for contingent expenses or other general purposes.**—No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said appor-



tionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such executive department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than \$100 or by imprisonment for not less than one month. (R. S. §3679; Mar. 3, 1905, ch. 1484, § 4, 33 Stat. 1257; Feb. 27, 1906, ch. 510, § 3, 34 Stat. 48.)

#### DERIVATION

Act July 12, 1870, ch. 251, § 7, 16 Stat. 251.

#### TRANSFER OF FUNCTIONS

Functions of making, waiving, and modifying apportionments of appropriations as transferred to Director of the Bureau of the Budget, see Ex. Ord. No. 6166, § 16, set out as note under section 132 of Title 5, Executive Departments and Government Officers and Employees.

#### CROSS REFERENCES

Administrator of Rural Electrification Administration empowered to accept and utilize voluntary and uncompensated services of Federal, State, and local officers and employees in carrying out his program, see section 911 of Title 7, Agriculture.

Removal of persons in classified civil service to be only for cause, see section 652 of Title 5, Executive Departments and Government Officers and Employees.

**§ 688a. Metered services extending beyond fiscal year, appropriation chargeable.**—Hereafter, in making payments for commodities or services the quantity of which is determined by metered readings, such as gas, electricity, water, steam, and the like, and for telephone services, where the period covered by the charge begins in one fiscal year or allotment period and ends in another, the entire amount of the payment may be regarded as a charge against the appropriation or allotment current at the end of such period. (April 27, 1937, ch. 143, 50 Stat. 119; April 26, 1939, ch. 103, 53 Stat. 624.)

**§ 669. Apportionment of contingent fund of departments to offices and bureaus.**—In addition to the apportionment required by section 665 of this title, the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor; and there shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, District of Columbia, which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus. (Aug. 23, 1912, ch. 350, § 37 Stat. 414.)



## TRANSFER OF FUNCTIONS

Functions of making, waiving, and modifying apportionments of appropriations transferred to Director of the Bureau of the Budget, see Ex. Ord. No. 6166, § 16, set out as note under section 132 of Title 5, Executive Departments and Government Officers and Employees.

**§ 670. Footing of paragraphs to determine amount appropriated.**—The total amount appropriated in the various paragraphs of an appropriation Act shall be determined by the correct footing up of the specific sums or rates appropriated in each paragraph contained therein unless otherwise expressly provided. (May 28, 1896, ch. 252, § 1, 29 Stat. 148.)

**§ 672. Expenses of commissions and inquiries.**—No accounting or disbursing officer of the Government shall allow or pay any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by law to pay such accounts and charges. This section, however, shall not extend to the contingent fund connected with the foreign intercourse of the Government, placed at the disposal of the President. (R. S. § 3681.)

## DERIVATION

Act Aug. 26, 1842, ch. 202, § 25, 5 Stat. 533.

**§ 673. Use of public moneys or appropriations for compensation or expenses of commission; details from executive departments to such commission prohibited.**—No part of the public moneys, or of any appropriation made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other Government establishment in connection with any such commission, council, board, or other similar body. (Mar. 4, 1909, ch. 299, § 9, 35 Stat. 1027.)

**§ 674. Restrictions on contingent appropriations.**—No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation. (R. S. § 3682.)

## DERIVATION

Act July 12, 1870, ch. 251, § 3, 16 Stat. 250.

**§ 675. Purchases from contingent funds.**—Except as otherwise provided no part of the contingent fund appropriated to any department, bureau, or office, shall be applied to the purchase of any articles except such as the head of the department shall deem necessary and proper to carry on the business of the department, bureau, or office, and shall, by written order, direct to be procured. (R. S. § 3683.)

## DERIVATION

Act Aug. 26, 1842, ch. 202, § 19, 5 Stat. 527.



**§ 678. Purchases of books from appropriations for contingent expenses.**—Law books, books of reference, and periodicals for use of any executive department, or other Government establishment not under an executive department, at the seat of Government, shall not be purchased or paid for from any appropriation made for contingent expenses or for any specific or general purpose unless such purchase is authorized and payment therefor specifically provided in the law granting the appropriation. (Mar. 15, 1898, ch. 68, § 3, 30 Stat. 316.)

**§ 679. Expenditure from appropriations for private telephone service.**—Except as otherwise provided by law, no money appropriated by any Act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for long-distance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed: *Provided*, That the cost of installation and use of telephones in residences leased or owned by the Government of the United States in foreign countries for the use of the Foreign Service may be allowed from Government funds, under such regulations as may be prescribed by the Secretary of State, except that the restrictions in this section relating to long-distance calls shall also apply to telephones installed in such official residences. (Aug. 23, 1912, ch. 350, § 7, 37 Stat. 414; Apr. 30, 1940, ch. 175, 54 Stat. 175.)

**§ 680a. Long distance telephone tolls; payment from appropriations.**—Hereafter no part of any appropriation for any executive department, establishment, or agency shall be used for the payment of long-distance telephone tolls except for the transaction of public business which the interests of the Government require to be so transacted; and all such payments shall be supported by a certificate by the head of the department, establishment, or agency concerned, or such subordinates as he may specially designate, to the effect that the use of the telephone in such instances was necessary in the interest of the Government. (May 10, 1939, ch. 119, § 4, 53, Stat. 738.)

**§ 682. Appropriations for public buildings available until completion of work.**—All moneys appropriated for the construction of public buildings shall remain available until the completion of the work for which they are, or may be, appropriated; and upon the final completion of each or any of said buildings, and the payment of all outstanding liabilities therefor, the balance or balances remaining shall be immediately covered into the Treasury. (June 23, 1874, ch. 476, § 1, 18 Stat. 275.)

**§ 686. Purchase or manufacture of stores or materials or performance of services by bureau or department for another bureau or department.**—(a) Any executive department or independent establishment of the Government, or bureau or office thereof, if funds are available therefor and if it is determined by the head of such executive department, establishment, bureau,



or office to be in the interest of the Government so to do, may place orders with any other such department, establishment, bureau, or office for materials, supplies, equipment, work, or services, of any kind that such requisitioned Federal agency may be in a position to supply or equipped to render, and shall pay promptly by check to such Federal agency as may be requisitioned, upon its written request, either in advance or upon the furnishing of performance thereof, all or part of the estimated or actual cost thereof as determined by such department, establishment, bureau, or office as may be requisitioned; but proper adjustments on the basis of the actual cost of the materials, supplies, or equipment furnished, or work or services performed, paid in advance, shall be made as may be agreed upon by the departments, established, bureaus, or offices concerned: *Provided*, That the War Department, Navy Department, Treasury Department, Civil Aeronautics Administration, and the Maritime Commission may place orders, as provided herein, for materials, supplies, equipment, work, or services, of any kind that any requisitioned Federal agency may be in a position to supply, or to render or to obtain by contract: *Provided further*, That if such work or services can be as conveniently or more cheaply performed by private agencies such work shall be let by competitive bids to such private agencies. Bills rendered, or requests for advance payments made, pursuant to any such order, shall not be subject to audit or certification in advance of payment.

(b) Amounts paid as provided in subsection (a) shall be credited, (1) in the case of advance payments, to special working funds, or (2) in the case of payments other than advance payments, to the appropriations or funds against which charges have been made pursuant to any such order, except as hereinafter provided. The Secretary of the Treasury shall establish such special working funds as may be necessary to carry out the provisions of this subsection. Such amounts paid shall be available for expenditure in furnishing the materials, supplies, or equipment, or in performing the work or services, or for the objects specified in such appropriations or funds. Where materials, supplies, or equipment are furnished from stocks on hand, the amounts received in payment therefor shall be credited to appropriations or funds, as may be authorized by other law, or, if not so authorized, so as to be available to replace the materials, supplies, or equipment, except that when the head of any such department, establishment, bureau, or office determines that such replacement is not necessary the amounts paid shall be covered into the Treasury as miscellaneous receipts.

(c) Orders placed as provided in subsection (a) shall be considered as obligations upon appropriations in the same manner as orders or contracts placed with private contractors. Advance payments credited to special working funds shall remain available to the procuring agency for entering into contracts and other uses during the fiscal year or years for which the appropriation involved was made and thereafter until said appropriation lapses under the law to the surplus fund of the Treasury. (Mar. 4, 1915, ch. 143, § 1, 38 Stat. 1084; May 21, 1920, ch. 194, § 7, 41 Stat. 613; June 30, 1932, ch. 314, § 601, 47 Stat. 417;



June 22, 1936, ch. 689, title IV, § 8, 49 Stat. 1648; July 20, 1942, ch. 507, 56 Stat. 661; Laws 1943, ch. 150, § 1, 57 Stat. 219.)

**§ 686a. Materials or services ordered from Navy; payment.**—Any executive department or independent establishment of the Government ordering materials or services from the Navy shall pay promptly by check upon written request from the Paymaster General of the Navy, either in advance or upon completion of the work, all or part of the estimated or actual cost thereof, as the case may be, and bills rendered in accordance herewith shall not be subject to audit or certification in advance of payment: *Provided*, That proper adjustments on the basis of the actual cost of delivery of work paid for in advance shall be made. (May 21, 1926, ch. 355, 44 Stat. 605.)

**§ 686b. Former section 686 effective as to funds transferred prior to amendment; convict labor; new provisions as additions to laws relating to working funds.**—(a) Notwithstanding the provisions of this section and amendment of section 686 of this title, said section 686, as in force prior to June 30, 1932, shall remain in force with respect to the disposition of funds transferred thereunder prior to such date.

(b) Nothing in this section or section 686 shall be construed to authorize any Government department or independent establishment, or any bureau or office thereof, to place any orders for material, supplies, equipment, work, or services to be furnished or performed by convict labor, except as otherwise provided by existing law.

(c) The provisions of this section and section 686 are in addition to and not in substitution for the provisions of any other law relating to working funds. (June 30, 1932, ch. 314, § 602, 47 Stat. 418.)

**§ 712. Balances of appropriations; expenditure.**—Except as otherwise provided by law, all balances of appropriations contained in the annual appropriation bills and made specially for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations. (R. S. § 3690.)

#### DERIVATION

Act July 12, 1870, ch. 251, § 5, 16 Stat. 251.

**§ 713. Same; carried to surplus fund.**—After the 1st day of July, in each years, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided*, That this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, light-houses, or public buildings, or the pay of Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress. (June 20, 1874,



ch. 328, § 5, 18 Stat. 110; July 26, 1886, ch. 781, § 2, 24 Stat. 157; Mar. 3, 1919, ch. 99, § 6, 40 Stat. 1309.)

§ 714. **Same; reports to Congress as to claims.**—It shall be the duty of the General Auditing Office to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 713 of this title that may be brought before them within a period of five years. The Secretary of the Treasury shall, at the commencement of each session of Congress, report the amount due each claimant whose claim has been allowed in whole or in part to the Speaker of the House of Representatives and the presiding officer of the Senate, who shall lay the same before their respective Houses for consideration: *Provided*, That nothing in this section shall be construed to authorize the reexamination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law. (June 14, 1878, ch. 191, § 4, 20 Stat. 130; July 7, 1884, ch. 334, § 1, 23 Stat. 254; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

§ 715. **Same; certification as to pending claims.**—All balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the General Accounting Office, the proper officer of which shall examine the books of such office, and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in such office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund warrant, whether the head of the proper department shall have certified that it may be carried into the general Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which a longer duration is given by law, shall be thus treated. (R. S. § 3691; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

#### DERIVATION

Act July 12, 1870, ch. 251, § 6, 16 Stat. 251.

§ 717. **Same; reappropriation to other purposes construed as new appropriation.**—The reappropriation and diversion of unexpended balance of any appropriation to a purpose other than that for which it was originally made shall be construed and accounted as a new appropriation and the unexpected balance shall be reduced by the sum proposed to be so diverted. (Mar. 4, 1915, ch. 147, § 4, 38 Stat. 1161.)

§ 718. **Appropriations in annual appropriation acts not permanent.**—No specific or indefinite appropriation made subsequent to August 24, 1912, in any regular annual appropriation Act shall be construed to be permanent or available continuously without reference to a fiscal year unless it belongs to one of the following four classes: "Rivers and harbors," "lighthouses,"



"public buildings," and "pay of the Navy and Marine Corps," last specifically named in and excepted from the operation of the provisions of section 713 of this title, or unless it is made in terms expressly providing that it shall continue available beyond the fiscal year for which the appropriation Act in which it is contained makes provision. (Aug. 24, 1912, ch. 355, § 7, 375 Stat. 487; Mar. 3, 1919, ch. 99, § 6, 40 Stat. 1309.)

#### PERMANENT APPROPRIATIONS REPEAL

§ 725a. **Permanent Appropriations Repeal Act; appropriations repealed.**—(a) Effective July 1, 1935, the permanent appropriations under the appropriations titles listed in subsection (b) of this section are repealed, and such portions of any Acts as make permanent appropriations to be expended under such accounts are amended so as to authorize, in lieu thereof, annual appropriations from the general fund of the Treasury in identical terms and in such amounts as now provided by the laws providing such permanent appropriations, except that any appropriation for "Adjusted losses and contingencies, postal fund," is authorized to be made from the postal revenues. Any unobligated balances remaining in the permanent appropriations under these accounts on June 30, 1935, shall be covered into the surplus fund of the Treasury: *Provided*, That in addition to amounts in lieu of the permanent appropriation "Meat Inspection, Bureau of Animal Industry (fiscal year)" there is authorized to be appropriated such other sums as may be necessary in the enforcement of sections 71-96 of Title 21.

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(b) (3) Meat inspection, Bureau of Animal Industry (fiscal year) (3-114).

(4) National Forest Reservation Commission (fiscal year) (3-494).

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(June 26, 1934, ch. 756, § 2, 48 Stat. 1225.)

§ 725d. **Same.**—(a) Effective July 1, 1935, the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section are abolished, and any unobligated balances under such accounts as of that date shall be covered into the surplus fund of the Treasury. Any appropriations to which expenditures under such accounts have been chargeable theretofore are hereby repealed, effective on such date. To the extent that the annual appropriations, which are hereby authorized to be made from the general fund of the Treasury for the same purposes for which expenditures are now made from said accounts, are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury such additional amounts as may be necessary, to the extent that the amounts of such receipts are in excess of the amounts appropriated.

(b) (1) Expenses, Cotton Standards Act (3s535).

(2) Classification of cotton, revolving fund (3s320).

(June 26, 1934, ch. 756, § 5, 48 Stat. 1228.)



§ 725q. Same; appropriation accounts abolished.—(a) Effective July 1, 1935, the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section, as well as appropriation accounts bearing similar titles on the books of the Government, are abolished, and any unobligated balances under such accounts as of June 30, 1935, shall be covered into the surplus fund of the Treasury. Any appropriations, to which expenditures under such accounts have been chargeable theretofore, are repealed. On July 1, 1935, there shall be established on the books of the Government an account to be designated "Refund of Moneys Erroneously Received and Covered", and there is authorized to be appropriated such sums as may be necessary to meet any expenditure of the character now chargeable to the appropriation accounts herein abolished and other collections erroneously received and covered which are not properly chargeable to any other appropriation. The Secretary of the Treasury shall submit with his annual estimates of appropriations an amount necessary to meet expenditures properly chargeable to this account: *Provided*, That this authority shall not be deemed to apply to any refunds which, under existing law may be charged to any accounts for which separate provision is made in sections 725-725z of this title.

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(b) (9) Refunding moneys erroneously received and covered (Agriculture) (3x010).

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(18) Refund to depositors, excess of deposits, national-forests fund (3x208).

(June 26, 1934, ch. 756, § 18, 48 Stat. 1231.)

§ 725s. Same; trust funds.—(a) The funds appearing on the books of the Government and listed in subsection (b)<sup>1</sup> and (c) of this section shall be classified on the books of the Treasury as trust funds. All moneys accruing to these funds are hereby appropriated and shall be disbursed in compliance with the terms of the trust. Hereafter moneys received by the Government as trustee analogous to the funds named in subsections (b) and (c) of this section, not otherwise herein provided for, except moneys received by the Comptroller of the Currency or the Federal Deposit Insurance Corporation, shall likewise be deposited into the Treasury as trust funds with appropriate title, and all amounts credited to such trust-fund accounts are hereby appropriated and shall be disbursed in compliance with the terms of the trust: *Provided*, That, effective July 1, 1935, expenditures from the trust fund "Soldiers' Home, Permanent Fund" (8t184) shall be made only in pursuance of appropriations annually made by Congress, and such appropriations are hereby authorized: *Provided further*, That personal funds of deceased inmates, Naval Home, now deposited with the pay officer of the Naval Home, shall be deposited in the Treasury to the credit of the trust fund account "Personal Funds of Deceased Inmates, Naval Home" (7t989): *Provided further*, That on June 30 of each year there shall be transferred to the trust fund receipt



account directed to be established in section 725p of this title, such portion of the balances in any trust-fund account hereinbefore or hereafter listed or established, except the balances in the accounts listed in subsection (c) of this section, which have been in any such fund for more than one year and represent moneys belonging to individuals whose whereabouts are unknown, and subsequent claims therefor shall be disbursed from the trust fund receipt account "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown", directed to be established in sections 725p of this title.

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(13) Cooperative work, Forest Service (3c209).

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(June 26, 1934, ch. 756, § 20, 48 Stat. 1233.)

**§ 725t. Checks drawn on Treasurer of United States; when payable; deposit of amount of unpaid checks.**—Hereafter all checks drawn on the Treasurer of the United States, except those issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, shall be payable only until the close of the fiscal year next following the fiscal year in which such checks were issued, and the amounts of all such checks properly due and payable which have not been presented for payment within such period shall be deposited into the Treasury to the credit of a trust fund account entitled "Outstanding Liabilities (fiscal year)", designated by fiscal years in which the checks were issued. The balances in the outstanding liabilities account carried on the books of the Government on June 26, 1934, representing the amounts of unclaimed checks, shall be transferred to the account "Outstanding Liabilities, 1934", and any balances remaining therein, or in any succeeding fiscal year account, unclaimed for two fiscal years after the deposit therein shall be covered into the surplus fund of the Treasury: *Provided*, That the balances to the credit of the outstanding liabilities account of any fiscal year which has not been covered into the surplus fund of the Treasury shall be available to pay claims on account of any check, the amount of which has been included in any balance so covered into the surplus fund. (June 26, 1934, ch. 756, § 21, 48 Stat. 1235.)

**§ 725v. Moneys in registry of any United States courts; dispositions; disposition of all fees and other collections; exceptions.**

—(a) Moneys in, or payable into, the registry of any United States court, in the discretion of the court, may be deposited in official checking accounts with the Treasurer of the United States, subject to disbursement on order approved by the court.

(b) All fees and other collections other than moneys referred to in subsection (a) hereof, received by clerks of the United States courts and United States marshals shall be deposited in official checking accounts with the Treasurer of the United States, subject to disbursement by such clerks and marshals. At the close of each accounting period the earned portions of such fees and collections accruing to the United States



shall be deposited into the Treasury of the United States to the credit of the appropriate receipt accounts. The provisions of this subsection shall not apply in the Territory of Alaska, or in the Virgin Islands. (As amended Dec. 21, 1944, ch. 631, § 1, 58 Stat. 844.)

**§ 725w. Survey of inactive and permanent appropriations by Comptroller General; report.**—The Comptroller General of the United States shall cause a survey to be made of all inactive and permanent appropriations and/or funds on the books of the Government and also funds in the official custody of officers and employees of the United States, in which the Government is financially concerned, for which no accounting is rendered to the General Accounting Office; and he shall submit to the Congress annually, in a special report, his recommendations for such changes in existing law relating thereto as, in his judgment, may be in the public interest. (June 26, 1934, ch. 756, § 24, 48 Stat. 1236.)

**§ 725x. Existing authorizations unaffected.** The provisions of sections 725-725z of this title shall not be construed to alter or amend any existing authorization for an appropriation. (June 26, 1934, ch. 756, § 25, 48 Stat. 1236.)

**§ 725y. Repeal of inconsistent provisions.**—All Acts and/or parts of Acts inconsistent or in conflict with the provisions of sections 725-725z of this title are hereby repealed to the extent of such inconsistency or conflict. (June 26, 1934, ch. 756, § 26, 48 Stat. 1236.)

**§ 725z. Citation.**—The short title of sections 725-725z of this title shall be the "Permanent Appropriation Repeal Act, 1934." (June 26, 1934, ch. 756, § 27, 48 Stat. 1236.)

## THE PUBLIC DEBT

**§ 742. Exemption from taxation.**—Except as otherwise provided by law, all stocks, bonds, Treasury notes, and other obligations of the United States, shall be exempt from taxation by or under State or municipal or local authority. (R. S. § 3701.)

### DERIVATION

Act Feb. 25, 1862, ch. 33, § 2, 12 Stat. 346; act Mar. 3, 1863, ch. 73, § 1, 12 Stat. 710; act Mar. 3, 1864, ch. 17, § 1, 13 Stat. 13; act June 30, 1864, ch. 172, § 1, 13 Stat. 218; act Jan. 28, 1865, ch. 22, § 1, 13 Stat. 425; act Mar. 3, 1865, ch. 77, § 2, 13 Stat. 469; act July 14, 1870, ch. 256, § 1, 16 Stat. 272.

## TITLE 32—NATIONAL GUARD

**§ 3. Exemptions from militia duty.**—The Vice President of the United States; the officers, judicial and executive, of the Government of the United States and of the several States and Territories; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States,



shall be exempt from militia duty without regard to age, and all persons who because of religious belief shall claim exemption from military service, if the conscientious holding of such belief by such person shall be established under such regulations as the President shall prescribe, shall be exempted from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President shall declare to be noncombatant. (June 3, 1916, ch. 134, § 59, 39 Stat. 197.)

#### CROSS REFERENCE

Exemptions and deferments under Selective Training and Service Act of 1940, see section 305 of Appendix to Title 50, War.

§ 75. Government employees in National Guard; leaves of absence for training periods.—All officers and employees of the United States and of the District of Columbia who shall be members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating on all days during which they shall be engaged in field or coast-defense training ordered or authorized under the provisions of this title. (June 3, 1916, ch. 134, § 80, 39 Stat. 203.)

### TITLE 33—NAVIGATION and NAVIGABLE WATERS

#### FLOOD CONTROL

§ 701. Flood control generally.—*Laws applicable to works of improvement relating to flood control.*—All the provisions of existing law relating to examinations and surveys and to works of improvement of rivers and harbors shall apply, so far as applicable to examinations and surveys and to works of improvement relating to flood control. And all expenditures of funds appropriated for works and projects relating to flood control shall be made in accordance with and subject to the law governing the disbursement and expenditure of funds appropriated for the improvement of rivers and harbors.

*Examinations and surveys; details from Government departments; reports.*—All examinations and surveys of projects relating to good control shall include a comprehensive study of the watershed or watersheds, and the report thereon in addition to any other matter upon which a report is required shall give such data as it may be practicable to secure in regard to (a) the extent and character of the area to be affected by the proposed improvement; (b) the probable effect upon any navigable water or waterway; (c) the possible economical development and utilization of water power; and (d) such other uses as may be properly related to or coordinated with the project. And the heads of the several departments of the Government may, in their discretion, and shall upon the request of the Secretary of War, detail representatives from their respective departments to assist the Engineers of the Army in the study and examination of such watersheds, to the end that duplication of work may be avoided and the various services of the Government economically



coordinated therein: *Provided*, That all reports on preliminary examinations hereafter authorized, together with the report of the Board of Engineers for Rivers and Harbors thereon and the separate report of the representative of any other department, shall be submitted to the Secretary of War by the Chief of Engineers, with his recommendations, and shall be transmitted by the Secretary of War to the House of Representatives, and are hereby ordered to be printed when so made.

*Reports by Board of Engineers for Rivers and Harbors.*—In the consideration of all works and projects relating to flood control which may be submitted to the Board of Engineers for Rivers and Harbors for consideration and recommendation, said board shall, in addition to any other matters upon which it may be required to report, state its opinion as to (a) what Federal interest, if any, is involved in the proposed improvement; (b) what share of the expense, if any, should be borne by the United States; and (c) the advisability of adopting the project.

*Aiding Committee on Flood Control.*—All examinations and reports which may now be made by the Board of Engineers for Rivers and Harbors upon request of the Committee on Rivers and Harbors relating to works or projects of navigation shall in like manner be made upon request of the Committee on Flood Control on all works and projects relating to flood control. (Mar. 1, 1917, ch. 144, § 3, 39 Stat. 950.)

§ 701a. *Same; declaration of policy.*—It is hereby recognized that destructive floods upon the rivers of the United States, upsetting orderly processes and causing loss of life and property, including the erosion of lands, and impairing and obstructing navigation, highways, railroads, and other channels of commerce between the States, constitute a menace to national welfare; that it is the sense of Congress that flood control on navigable waters or their tributaries is a proper activity of the Federal Government in cooperation with States, their political subdivisions, and localities thereof; that investigations and improvements of rivers and other waterways, including watersheds thereof, for flood-control purposes are in the interest of the general welfare; that the Federal Government should improve or participate in the improvement of navigable waters or their tributaries, including watersheds thereof, for flood-control purposes if the benefits to whomsoever they may accrue are in excess of the estimated costs, and if the lives and social security of people are otherwise adversely affected. (June 22, 1936, ch. 688, § 1, 49 Stat. 1570.)

§ 701a.—*Same; definition of "flood control"; jurisdiction of Federal investigations.*—The words "flood control" as used in section 701 of this title, shall be construed to include channel and major drainage improvements, and the Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for runoff and water-flow retardation and soil-erosion prevention on



watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress. (Dec. 22, 1944, ch. 665, § 2, 58 Stat. 889.)

#### NOTE

The only new part of section 701a-1 is the part that defines "flood control". The balance is the same as is contained in section 701b which follows.

**§ 701b. Same; supervision of Secretary of War and Secretary of Agriculture; reclamation projects unaffected.**—Hereafter Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and waterflow retardation and soil-erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress; and that in their reports upon examinations and surveys, the Secretary of War and the Secretary of Agriculture shall be guided as to flood-control measures by the principles set forth in section 701a of this title in the determination of the Federal interests involved: *Provided*, That the foregoing grants of authority shall not interfere with investigations and river improvements incident to reclamation projects that may now be in progress or may be hereafter undertaken by the Bureau of Reclamation of the Interior Department pursuant to any general or specific authorization of law. (June 22, 1936, ch. 688, § 2, 49 Stat. 1570; June 28, 1938, ch. 749, § 1, 52 Stat. 1215; Aug. 18, 1941, ch. 377, § 1, 55 Stat. 638.)

**§ 701b-1. Transfer of jurisdiction in certain cases to Department of Agriculture.**—In order to effectuate the policy declared in sections 701a and 701b of this title, and to correlate the program for the improvement of rivers and other waterways by the Department of War with the program for the improvement of watersheds by the Department of Agriculture, works of improvement for measures of run-off and water-flow retardation and soil-erosion prevention on the watersheds of waterways, for which works of improvements for the benefit of navigation and the control of destructive floodwaters and other provisions have been adopted and authorized to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, are hereby authorized to be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture and in accordance with plans approved by him. The Secretary of Agriculture is hereby authorized in his discretion to undertake such emergency measures for run-off retardation and soil-erosion prevention as may be needed to safeguard lives and property from floods and the products of erosion on any watershed whenever fire or any other natural element or force has caused a sudden impairment of that watershed: *Provided*, That



not to exceed \$100,000 out of any funds heretofore or hereafter appropriated for the prosecution by the Secretary of Agriculture of works of improvement or measures for run-off and waterflow retardation and soil-erosion prevention on watersheds may be expended during any one fiscal year for such emergency measures. For prosecuting said work and measures there is hereby authorized to be appropriated the sum of \$10,000,000 to be expended at the rate \$2,000,000 per annum during the five-year period ending June 30, 1944: *Provided*, That such works and measures which are herein authorized to be prosecuted by the Department of Agriculture may be carried out on the watersheds of the Rio Grande and Pecos Rivers subject to the provision in section 701b of this title. (June 28, 1938, ch. 795, § 7, 52 Stat. 1225; Dec. 22, 1944, ch. 665, § 15, 58 Stat. 907.)

#### NOTE

The provisions of section 701b-1 authorizing appropriation for five year period ending June 30, 1944 is amended by section 14 of the act of Dec. 22, 1944, 58 Stat. 907 to reauthorize balance of the appropriation for post-war expenditures. Also, the second sentence of section 701b-1 does not appear in the United States Code, but inasmuch as the act of Dec. 22, 1944, *supra*, amended this section by adding the sentence we have included it.

#### PRELIMINARY EXAMINATIONS AND SURVEYS

Act August 28, 1937, ch. 877, § 3, 50 Stat. 877, authorized Secretary of Agriculture to cause preliminary examinations and surveys to be made for run-off and water-flow retardation and soil erosion prevention on watersheds. Similar provisions are contained in acts of June 22, 1936, ch. 688, § 6, 49 Stat. 1592 and Aug. 11, 1939, ch. 699, § 6, 53 Stat. 1415.

**§ 701b-2. Same; cooperation by Secretaries of War and Agriculture; expenditures.**—In carrying out the purposes of sections 701a, 701b, 701c, 701d, 701e, 701f, and 701h of this title, as amended and supplemented, the Secretary of War and the Secretary of Agriculture are hereby authorized to cooperate with institutions, organizations, and individuals, and to utilize the services of Federal, State, and other public agencies, and to pay by check to the cooperating public agency, either in advance or upon the furnishing or performance of said services, all or part of the estimated or actual cost thereof; and to make expenditures for personal services and rent in the District of Columbia and elsewhere, for purchase of reference and law books and periodicals, for printing and binding, for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motorboats for official use, and for other necessary expenses. The provisions of this section shall be applicable to any funds heretofore appropriated for the prosecution by the Secretary of Agriculture of works of improvement for measures of run-off and water-flow retardation and soil-erosion prevention upon watersheds. (June 28, 1938, ch. 795, § 5, 52 Stat. 1223; Aug. 18, 1941, ch. 377, § 8, 55 Stat. 650.)

**§ 701b-5. Same; appropriations subject to priority restrictions.**—No part of appropriations made available to the Secretary of Agriculture for preliminary examinations and surveys, as authorized by law, for run-off and water-flow retardation and soil-erosion prevention on the watersheds of flood-control projects, shall be obligated for initiating work upon new projects or



for prosecuting work upon projects heretofore commenced, unless they accord with priorities specifically approved by the Secretary of War and the Secretary of Agriculture. (June 2, 1943, ch. 115, § 1, 57 Stat. 96; June 26, 1944, ch. 275, § 1, 58 Stat. 329.)

§ 701c. Same; rights-of-way, easements, etc.; acquisition by local authorities; maintenance and operation; protection of United States from liability for damages; requisites to run-off and water-flow retardation and soil erosion prevention assistance.—After June 22, 1936, no money appropriated under authority of section 701f of this title shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of War that they will (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project, except as otherwise provided herein; (b) hold and save the United States free from damages due to the construction works; (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of War: *Provided*, That the construction of any dam authorized by section 5 of the Act of June 22, 1936, ch. 688, 49 Stat. 1572, may be undertaken without delay when the dam site has been acquired and the assurance prescribed herein have been furnished, without awaiting the acquisition of the easements and rights-of-way required for the reservoir area: *And provided further*, That whenever expenditures for lands, easements, and rights-of-way by States, political subdivisions thereof, or responsible local agencies for any individual project or useful part thereof shall have exceeded the present estimated construction cost therefor, the local agency concerned may be reimbursed one-half of its excess expenditures over said estimated construction cost: *And provided further*, That when benefits of any project or useful part thereof accrue to lands and property outside of the State in which said project or part thereof is located, the Secretary of War with the consent of the State wherein the same are located may acquire the necessary lands, easements, and rights-of-way for said project or part thereof after he has received from the States, political subdivisions thereof, or responsible local agencies benefited the present estimated cost of said lands, easements, and rights-of-way, less one-half of the amount by which the estimated cost of these lands, easements, and rights-of-way exceeds the estimated construction cost corresponding thereto: *And provided further*, That the Secretary of War shall determine the proportion of the present estimated cost of said lands, easements, and rights-of-way that each State, political subdivision thereof, or responsible local agency should contribute in consideration for the benefits to be received by such agencies: *And provided further*, That whenever not less than 75 per centum of the benefits as estimated by the Secretary of War of any project or useful part thereof accrue to lands and property outside of the State in which said project or part thereof is located, provision (c) of this section shall not apply thereto; nothing herein shall impair or abridge the powers now existing in the Depart-



ment of War with respect to navigable streams: *And provided further*, That nothing herein shall be construed to interfere with the completion of any reservoir or flood control work authorized by the Congress now under way; (d) as a condition to the extending of any benefits, in prosecuting measures for run-off and water-flow retardation and soil erosion prevention authorized by Act of Congress pursuant to the policy declared in section 701a of this title, to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the the purposes of such Acts, require—

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for run-off and water-flow retardation and soil-erosion prevention:

(2) Agreements or covenants as to the permanent use of such lands; and

(3) Contributions in money, services, materials, or otherwise to any operations conferring such benefits. (June 22, 1936, ch. 688, § 3, 49 Stat. 1571; Aug. 28, 1937, ch. 877, § 4, 50 Stat. 877.)

#### APPLICATION TO ACT AUG. 18, 1941

Act Aug. 18, 1941, ch. 377, § 2, 55 Stat. 638, provided in part: "That section 3 of the Act approved June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress) (Title 33, § 701c), as amended by section 2 of the Act approved June 28, 1938 (Public, Numbered 761, Seventy-fifth Congress) (Title 33, § 701c note, 701c-1), shall apply to all works authorized in this Act, except that for any channel improvement or channel rectification project provisions (a), (b), and (c) of section 3 of said Act of June 22, 1936, shall apply thereto, and except as otherwise provided by law: \* \* \* *Provided further*, That the authorization for any flood-control project heretofore or herein adopted requiring local cooperation shall expire five years from the date on which local interests are notified in writing by the War Department of the requirements of local cooperation, unless said interests shall within said time furnish assurances satisfactory to the Secretary of War that the required cooperation will be furnished \* \* \*"

#### APPLICATION TO ACT DEC. 22, 1944

Act Dec. 22, 1944, ch. 665, § 3, 58 Stat. 889 provided that this section should apply to all works authorized by said act Dec. 22, 1944, except that for any channel improvement or rectification project provisions (a), (b), and (c) shall apply except as otherwise provided by law, and further provided that authorizations for any flood-control project adopted requiring local cooperation would expire 5 years from date of notification of necessity of cooperation to local interests, unless within that time local interests give satisfactory assurances to the Secretary of War that the required cooperation will be furnished.

§ 701c.—Same; acquirement of titles for certain projects and to lands, easements, rights-of-way; reimbursement of local agencies.—In case of any dam and reservoir project, or channel improvement or channel rectification project for flood control, authorized in sections 701b, 701b-1, 701b-2, 701c-1, 701f-1, 701i, 701j, 702a-11½, 702a-11, and 706 of this title or by sections 701a, 701b, 701c, 701d, 701e, 701f, and 701h of this title, and sections 702a, 702a-1, 702a-2 to 702a-11, 702b-702d, 702e-702m, and 704 of this title, title to all lands, easements, and rights-of-way for



such project shall be acquired by the United States or by States, political subdivisions thereof or other responsible local agencies and conveyed to the United States, and provisions (a), (b), and (c) of section 701c of this title shall not apply thereto. Notwithstanding any restrictions, limitations, or requirement of prior consent provided by any other Act, the Secretary of War is hereby authorized and directed to acquire in the name of the United States title to all lands, easements, and rights-of-way necessary for any dam and reservoir project or channel improvement or channel rectification project for flood control, with funds heretofore or hereafter appropriated or made available for such projects, and States, political subdivisions thereof, or other responsible local agencies, shall be granted and reimbursed, from such funds, sums equivalent to actual expenditures deemed reasonable by the Secretary of War and the Chief of Engineers and made by them in acquiring lands, easements, and rights-of-way for any dam and reservoir project, or any channel improvement or channel rectification project for flood control heretofore or herein authorized: *Provided*, That no reimbursement shall be made for any indirect or speculative damages: *Provided further*, That lands, easements, and rights-of-way shall include lands on which dams, reservoirs, channel improvements, and channel rectifications are located; lands or flowage rights in reservoirs and highway, railway, and utility relocation: *Provided further*, That in all cases of the acquisition hereunder by the United States from the Los Angeles County Flood Control District or the Muskingum Watershed Conservancy District of lands, easements, or rights-of-way, wherein the written opinion of the Attorney General in favor of the validity of the title to such lands, easements, or rights-of-way is or may be required or authorized by law, the Attorney General may, in his discretion, base such opinion upon a certificate of title of the district from which said lands, easements, or rights-of-way are to be acquired accompanied by an agreement, duly executed by the district in conformity with the constitutions and laws of the State where the district in question is situated to indemnify the United States against all claims, liabilities, loss, expenses, and attorneys' fees of whatsoever kind or nature, resulting from or arising out of any defect or defects whatsoever in the title to any such lands, easements, or rights-of-way so conveyed to the United States, including all just compensation, costs, and expenses which may be incurred in any condemnation proceeding deemed necessary and instituted by the United States in order to perfect title to any such lands, easements, or rights-of-way. (June 28, 1938, ch. 795, § 2, 52 Stat. 1215; Aug. 11, 1939, ch. 699, § 5, 53 Stat. 1415.)

**§ 701d. Same; compacts between States; consent of Congress.**  
 —The consent of Congress is hereby given to any two or more States to enter into compacts or agreements in connection with any project or operation authorized by sections 5, 6 and 7 of the Act of June 22, 1936, ch. 688, 49 Stat. 1572-1596, for flood control or the prevention of damage to life or property by reason of floods upon any stream or streams and their tributaries which lie in two or more such States, for the purpose of providing, in such manner



and such proportion as may be agreed upon by such States and approved by the Secretary of War, funds for construction and maintenance, for the payment of damages, and for the purchase of rights-of-way, lands, and easements in connection with such project or operation. No such compact or agreement shall become effective without the further consent or ratification of Congress, except a compact or agreement which provides that all money to be expended pursuant thereto and all work to be performed thereunder shall be expended and performed by the Department of War, with the exception of such reasonable sums as may be reserved by the States entering into the compact or agreement for the purpose of collecting taxes and maintaining the necessary State organizations for carrying out the compact or agreement. (June 22, 1936, ch. 688, § 4, 49 Stat. 1571.)

§ 701e. Same; effect of act of June 22, 1936, on provisions for Mississippi River and other projects.—Nothing in sections 701a-701f of this title and sections 5, 6, and 7 of the Act of June 22, 1936, ch. 688, 49 Stat. 1572-1596, shall be construed as repealing or amending any provision of sections 702a-702m of this title. The authority conferred by sections 701a-701f of this title and sections 5, 6, and 7 of Act June 22, 1936, ch. 688, 49 Stat. 1572-1596, and any funds appropriated pursuant thereto for expenditure are supplemental to all other authority and appropriations relating to the departments or agencies concerned, and nothing in sections 701a-701f of this title and sections 5, 6, and 7 of Act June 22, 1936, ch. 688, 49 Stat. 1572-1596 shall be construed to limit or retard any department or agency in carrying out similar and related activities heretofore or hereafter authorized, or to limit the exercise of powers conferred on any department or agency by other provisions of law is<sup>1</sup> carrying out similar and related activities. (June 22, 1936, ch. 688, § 8, 49 Stat. 1596.)

§ 701f. Same; appropriation; payment of employees from funds of Works Progress Administration.—The sum of \$310,000,000 is authorized to be appropriated for carrying out the improvements authorized by section 5 of the Act of June 22, 1936, ch. 688, 49 Stat. 1572, and the sum of \$10,000,000 is authorized to be appropriated and expended in equal amounts by the Departments of War and Agriculture for carrying out any examinations and surveys provided for in sections 6 and 7 of the said Act and other Acts of Congress: *Provided*, That not more than \$50,000,000 of such sum shall be expended during the fiscal year ending June 30, 1937: *Provided further*, That for the relief of unemployment, in addition to the regular appropriation, persons may be employed on such works of improvement and the compensation of said persons when so employed shall be paid from the funds available to the Works Progress Administration for the continuance of relief and work relief on useful projects. (June 22, 1936, ch. 688, § 9, 49 Stat. 1596.)

#### ADOPTION OF IMPROVEMENTS

Works of improvement adopted and authorized to be prosecuted by the War Department are listed in section 5 of act June 22, 1936, ch. 688, 49 Stat. 1596, referred to in this section, as amended or supplemented by act Aug.

<sup>1</sup> So in original. Probably should read "in".



28, 1937, ch. 877, § 1, 50 Stat. 876, section 4 of act June 28, 1938, ch. 795, 52 Stat. 1216, section 4 of act Aug. 11, 1939, ch. 699, 53 Stat. 1414, and section 3 of act Aug. 18, 1941, ch. 377, 55 Stat. 639.

Works of improvement adopted and authorized to be prosecuted by the Department of Agriculture are listed in act Dec. 22, 1944, ch. 665, section 13, 58 Stat. 905.

#### AUTHORIZATION OF EXAMINATIONS AND SURVEYS

Localities at which preliminary examinations and surveys are authorized to be made are listed in acts June 22, 1936, ch. 688, § 6, 49 Stat. 1592; Aug. 28, 1937, ch. 877, § 5, 50 Stat. 877; and June 28, 1938, ch. 795, § 6, 52 Stat. 1223, and Aug. 18, 1941, ch. 377, § 4, 55 Stat. 648, Aug. 11, 1939, ch. 699, § 6 and Dec. 22, 1944, ch. 665, § 11.

#### CONTINUANCE OF EXAMINATIONS AND SURVEYS

Localities at which the continuance of examinations and surveys already undertaken is authorized are listed in act June 22, 1936, ch. 688, § 7, 49 Stat. 1596.

**§ 701f-1. Same; appropriation.**—The sum of \$375,000,000 is hereby authorized to be appropriated for carrying out the improvements in sections 701b, 701b-1, 701b-2, 701c-1, 701f-1, 701i, 701j, 702a-11½, 702a-11, and 706 of this title over the five-year period ending June 30, 1944, and the sum of \$10,000,000 additional is authorized to be appropriated and expended in equal amounts by the Departments of War and Agriculture for carrying out any examinations and surveys provided for in said sections and any other Acts of Congress, to be prosecuted by said Departments. The sum of \$1,500,000 additional is authorized to be appropriated and expended by the Federal Power Commission for carrying out any examinations and surveys provided for in said sections or any other Acts of Congress, to be prosecuted by the said Federal Power Commission. (June 28, 1938, ch. 795, § 9, 52 Stat. 1226.)

#### ADDITIONAL APPROPRIATIONS

Act Aug. 18, 1941, ch. 377, § 10, 55 Stat. 651, provided as follows: "SEC. 10. That the sum of \$275,000,000 is hereby authorized to be appropriated for carrying out the improvements herein, the sum of \$10,000,000 additional is authorized to be appropriated and expended in equal amounts by the Departments of War and Agriculture for carrying out any examinations and surveys provided for in this Act and any other Acts of Congress to be prosecuted by said departments. There is also hereby authorized to be appropriated for expenditures by the Department of Agriculture in carrying on works of improvement of the character specified in section 7 of the Flood Control Act of June 28, 1938 (Title 33, § 701b-1), and which the Department is not otherwise authorized to undertake, such additional sums, not to exceed \$5,000,000, as may be necessary for that purpose. All appropriations necessary for operation and maintenance of flood-control works authorized by law to be operated and maintained by the United States are hereby authorized."

A similar authorization for an appropriation of an additional \$10,000,000 for expenditure in equal amounts by the Departments of War and Agriculture was provided in act of Dec. 22, 1944, ch. 665, section 10, 58 Stat. 891.

**§ 702a-10. Same; flowage rights and rights-of-way; reimbursement of local authorities; highway crossings; use of properties for national forests or wildlife refuges.**

\* \* \* \* \*

*And provided further,* That if the Secretary of Agriculture shall determine to acquire any of the properties within the flood-



ways herein referred to, for national forests, wildlife refuges, or other purposes of his Department, the Secretary of War may, upon recommendation by the Chief of Engineers, in lieu of acquiring flowage rights, advance to or reimburse the said Secretary of Agriculture sums equal to those that would otherwise be used for the purchase of easements desired by the War Department and the Secretary of Agriculture is authorized to use these sums for the purpose of acquiring properties in the floodways in question. (June 15, 1936, ch. 548, § 12, 49 Stat. 1512.)

**§ 756. Use of appropriations for cooperation with Forest Service.**—The annual appropriations for the Coast Guard shall be available for defraying the expenses of cooperation between the Coast Guard and the Forest Service in the management of forest land on lighthouse reservations. (Mar. 3, 1915, ch. 81, § 6, 88 Stat. 928; Reorg. Plan No. II, § 2 (a), eff. July 1, 1939, 4 Fed. Reg. 2731, 53 Stat. 1432.)

## TITLE 34—NAVY

### NAVAL PROPERTY, STORES, SUPPLIES, AND CONTRACTS

**§ 523. Site for radio station or other naval purposes.**—Such land of the United States under the control of a particular department or other branch of the Government that has been or may hereafter be mutually selected as a site for a naval radio station may, by direction of the President be transferred to and placed under the control and jurisdiction of the Navy Department for use as a naval radio station or other naval purposes. (Aug. 29, 1916, ch. 417, 39 Stat. 606.)

**§ 533. Procurement and sale of stores to officers and men and to civilian employees.**—Such stores as the Secretary of the Navy may designate may be procured and sold to officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and to the widows of such officers and enlisted men. Such designated stores may also be procured and sold to civilian officers and employees of the United States, and to such other persons as may be specifically authorized by the Secretary of the Navy—

(1) At naval stations and post exchanges beyond the continental United States or in Alaska; and

(2) At naval stations and post exchanges within the continental United States, in time of war and not exceeding six months thereafter, when the Secretary of the Navy finds that it is impracticable for the said civilian officers and employees and other persons to procure such stores from private agencies without impairing the efficient operation of the stations. The Secretary of the Navy may prescribe regulations governing sales under this section. (Mar. 3, 1909, ch. 255, 35 Stat. 768; Apr. 14, 1937, ch. 78, 50 Stat. 63; June 10, 1939, ch. 196, 53 Stat. 814; Jan. 23, 1942, ch. 15, 56 Stat. 13; Apr. 9, 1943, ch. 39, 57 Stat. 60.)

### THE MARINE CORPS

**§ 696. Discharge for fraudulent enlistment because of minority or misrepresentation of age during Spanish-American War as honorable discharge.**—In the administration of any laws con-



ferring rights, privileges, or benefits upon honorably discharged members of the military or naval forces of the United States, their widows and dependent children, a member of the Navy or Marine Corps who was enlisted between April 21, 1898, and July 4, 1902, both dates inclusive, and who was discharged for fraudulent enlistment because of minority or misrepresentation of age, shall hereafter be held and considered to have been honorably discharged from the Navy or Marine Corps on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowance shall accrue by reason of the passage of this section: *Provided further*, That in all such cases the Navy Department shall, upon request, grant to such individual, his widow or next of kin a discharge certificate showing that such former member of the Navy or Marine Corps is held and considered to have been honorably discharged under the provisions of this section. (June 22, 1938, ch. 576, 52 Stat. 940.)

§ 697. **Discharge for fraudulent enlistment because of minority or misrepresentation of age during World War as honorable discharge.**—In the administration of law conferring rights, privileges, or benefits upon honorably discharged sailors of the United States Navy and upon honorably discharged marines of the United States Marine Corps, their widows and dependent children, a sailor or marine who served as an enlisted man between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age, shall hereafter be held and considered to have been honorably discharged from the naval service on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowance shall accrue by reason of the passage of this section: *Provided further*, That in all such cases the Navy Department shall, upon request, grant to such men, or their widows, a discharge certificate showing that the sailor or marine is held and considered to have been honorably discharged under the provision of this section. (Feb. 9, 1940, ch. 21, 54 Stat. 21.)

#### NAVAL RESERVE AND MARINE CORPS RESERVE

§ 853. **Naval Reserve; components; transfer of personnel to newly created units; effect on retired members of Naval Reserve Force.**—The Naval Reserve, which shall be a component part of the United States Navy, shall consist of the Fleet Reserve, the Organized Reserve, the Merchant Marine Reserve, and the Volunteer Reserve:

\* \* \* \* \*

(June 25, 1938, ch. 690, title I, § 1, 52 Stat. 1175.)

§ 853a. **Marine Corps Reserve; creation; composition.**—The United States Marine Corps Reserve established under the Act of February 28, 1925, ch. 374, 43 Stat. 1080, is hereby abolished, and in lieu thereof there is hereby created and established as a component part of the United States Marine Corps, a Marine Corps



Reserve under the same provisions in all respects (except as may be necessary to adapt said provisions to the Marine Corps) as those contained in sections 853-853j, 854-854f, 855-855c, 855d-855s, 856 of this title or which may hereafter be enacted providing for the Naval Reserve: *Provided*, That the Marine Corps Reserve shall consist of the Fleet Marine Corps Reserve, the Organized Marine Corps Reserve, and the Volunteer Marine Corps Reserve, corresponding, as near as may be, to similar classes of the Naval Reserve. (June 25, 1938, ch. 690, title I, § 2, 52 Stat. 1175.)

**§ 853b. Composition of Naval Reserve; female nurses; effect of membership on civilian or other military activities.**—The Naval Reserve shall be composed of male citizens of the United States and of the insular possessions of the United States who have attained the age of seventeen years and who, by appointment or enlistment therein under regulations prescribed by the Secretary of the Navy or by transfer thereto as in sections 853-853j, 854-854f, 855-855c, 855d-855s, 856 of this title provided, obligate themselves to serve in the Navy in time of war or when in the opinion of the President a national emergency exists: *Provided*, That female registered nurses may be appointed in the Volunteer Reserve under regulations prescribed by the Secretary of the Navy: *Provided further*, That no officer or man of the Naval Reserve shall be a member of any other naval or military organization except the Naval Militia: *And provided further*, That no existing law shall be construed to prevent any member of the Naval Reserve from accepting employment in any civil branch of the public service nor from receiving the pay and allowances incident to such employment in addition to any pay and allowances to which he may be entitled under the provisions of sections 853-853j, 854-854f, 855-855c, 855d-855s, 856 of this title, nor as prohibiting him from practicing his civilian profession or occupation before or in connection with any department of the Federal Government. (June 25, 1938, ch. 690, title I, § 4, 52 Stat. 1176.)

**§ 853g. Recruiting, training, mobilization, etc., of Naval Reserve; equipment and facilities for training; leave of absence to Government employees.**—The Secretary of the Navy shall prescribe all necessary and proper regulations, not inconsistent with the provisions of sections 853-853j, 854-854f, 855-855c, 855d-855s, 856 of this title, for the recruiting, organization, government, administration, training, inspection, and mobilization of the Naval Reserve, and shall detail such officers and enlisted men of the Regular Navy and the Naval Reserve, and shall make available such vessels, material, armament, equipment, and other facilities of the Regular Navy as he may deem necessary and advisable for the development of the Naval Reserve in accordance with the provisions of sections 853-853j, 854-854f, 855-855c, 855d-855s, 856 of this title: *Provided*, That all officers and employees of the United States or of the District of Columbia who are members of the naval Reserve shall be entitled to leave of absence from their respective duties without loss of pay, time, or efficiency rating, on all days during which they may be employed with or without pay under the orders or authorization of competent authority, on



training duty for periods not to exceed fifteen days in any one calendar year. (June 25, 1938, ch. 690, title I, § 9, 52 Stat. 1177.)

## TITLE 35—PATENTS

### PATENTS

**§ 31. Inventions patentable.**—Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, or who has invented or discovered and asexually reproduced any distinct and new variety of plant, other than a tuber-propagated plant, not known or used by others in this country, before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, or more than one year prior to his application, and not in public use or on sale in this country for more than one year prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law, and other due proceeding had, obtain a patent therefor. (R. S. § 4886; Mar. 3, 1897, ch. 391, § 1, 29 Stat. 692; May 23, 1930, ch. 312, § 1, 46 Stat. 376; Aug. 5, 1939, ch. 450, § 1, 53 Stat. 1212.)

#### DERIVATION

Act July 8, 1870, ch. 230, § 24, 10 Stat. 201.

#### EFFECTIVE DATE

Act Aug. 5, 1939, cited to text, provided in section 2 thereof that: "This Act shall take effect one year after its approval and shall apply to all applications for patent filed after it takes effect and to all patents granted on such applications: *Provided, however,* That all applications for patents filed prior to the time this Act takes effect and all patents granted on such applications are to be governed by the statutes in force at the time of approval of this Act as if such statutes had not been amended."

**§ 32a. Plants.**—Notwithstanding section 31 of this title, no variety of plant which has been introduced to the public prior to May 23, 1930, shall be subject to patent. (May 23, 1930, ch. 312, § 5, 46 Stat. 376.)

**§ 32b. Separability clause.**—If any provision of sections 31, 32a, 33, 35, 40, and 56a of this title is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of such sections and the application thereof to other persons or circumstances shall not be affected thereby. (May 23, 1930, ch. 312, § 6, 46 Stat. 376.)

### GENERAL PROVISIONS GOVERNING APPLICATION FOR AND ISSUE OF PATENTS

**§ 33. Application for patent; description; specification and claim.**—Before any inventor or discoverer shall receive a patent for his invention or discovery he shall make application therefor, in writing, to the Commissioner of Patents, and shall file in the Patent Office a written description of the same, and of the manner and process of making, constructing, compounding, and using it,



in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of a machine, he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle, so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery. The specification and claim shall be signed by the inventor. No plant patent shall be declared invalid on the ground of noncompliance with this section if the description is made as complete as is reasonably possible. (R. S. § 4888; Mar. 3, 1915, ch. 94, § 1, 38 Stat. 958; May 23, 1930, ch. 312, § 2, 46 Stat. 376.)

## DERIVATION

Act July 8, 1870, ch. 230, § 26, 16 Stat. 201.

**§ 34. Same; drawings, specimen of ingredients or models to accompany.**—When the nature of the case admits of drawings, the applicant shall furnish one copy signed by the inventor or his attorney in fact, which shall be filed in the Patent Office; and a copy of the drawing to be furnished by the Patent Office, shall be attached to the patent as a part of the specification. When the invention or discovery is of a composition of matter, the applicant, if required by the commissioner, shall furnish specimens of ingredients and of the composition, sufficient in quantity for the purpose of experiment. In all cases which admit of representation by model, the applicant, if required by the commissioner, shall furnish a model of convenient size to exhibit advantageously the several parts of his invention or discovery. (R. S. §§ 4889, 4890, 4891; Mar. 3, 1915, ch. 94, § 2, 38 Stat. 959.)

## DERIVATION

Act July 8, 1870, ch. 230, §§ 27-29, 16 Stat. 201.

**§ 35. Same; oath of applicant.**—The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement, or of the variety of plant, for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, charge d'affaires, or consul holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States. (R. S. § 4892; Mar. 3, 1903, ch. 1019, § 2, 32 Stat. 1226; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100; May 23, 1930, ch. 312, § 3, 46 Stat. 376.)

## DERIVATION

Act July 8, 1870, ch. 230, § 30, 16 Stat. 202.



**§ 36. Same; examination of invention and issuing of patent.**—On the filing of any such application and the payment of the fees required by law, the Commissioner of Patents shall cause an examination to be made of the alleged new invention or discovery; and, if on such examination it shall appear that the claimant is justly entitled to a patent under the law, and that the same is sufficiently useful and important, the commissioner shall issue a patent therefor. (R. S. § 4893.)

## DERIVATION

Act July 8, 1870, ch. 230, § 31, 16 Stat. 202.

**§ 37. Time of completing application; applications regarded abandoned.**—All applications for patents shall be completed and prepared for examination within six months after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within six months or such shorter time, not less than thirty days or any extensions thereof, as shall be fixed by the Commissioner of Patents in writing to the applicant after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable. No application shall be regarded as abandoned which has become the property of the Government of the United States and with respect to which the head of any department of the Government shall have certified to the Commissioner of Patents, within a period of three years, that the invention disclosed therein is important to the armament or defense of the United States. Within ninety days, and not less than thirty days, before the expiration of any such three-year period the Commissioner of Patents shall, in writing, notify the head of the department interested in any pending application for patent, of the approaching expiration of the three-year period within which any application for patent shall have been pending. (R. S. § 4894; Mar. 3, 1897, ch. 391, § 4, 29 Stat. 693; July 6, 1916, ch. 225, § 1, 39 Stat. 348; Mar. 2, 1927 ch. 273, § 1, 44 Stat. 1335; Aug. 7, 1939, ch. 568, 53 Stat. 1264.)

## DERIVATION

Act July 8, 1870, ch. 230, § 32, 16 Stat. 202.

**§ 39. Patents, how issued, attested, and recorded.**—All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall either be signed by the Commissioner of Patents or have his name printed thereon and attested by an Assistant Commissioner of Patents or by one of the law examiners duly designated by the commissioner, and shall be recorded, together with the specifications, in the Patent Office in books to be kept for that purpose. (R. S. § 4883; Feb. 18, 1888, ch. 15, 25 Stat. 40; Apr. 11, 1902, ch. 417, 32 Stat. 95; Feb. 18, 1922, ch. 58, § 5, 42 Stat. 391.)

## DERIVATION

Act July 8, 1870, ch. 230, § 21, 16 Stat. 200.



**§ 40. Same; contents and duration.**—Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of seventeen years, of the exclusive right to make, use, and vend the invention or discovery (including in the case of a plant patent the exclusive right to asexually reproduce the plant) throughout the United States and the Territories thereof, referring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof. (R. S. § 4884; May 23, 1930, ch. 312, § 1, 46 Stat. 376.)

#### DERIVATION

Act July 8, 1870, ch. 230, § 22, 16 Stat. 201.

**§ 42. Same; publication detrimental to public safety or defense; compensation for use of invention tendered to United States.**—Whenever the publication or disclosure of an invention by the granting of a patent might, in the opinion of the Commissioner of Patents, be detrimental to the public safety or defense he may order that the invention be kept secret and withhold the grant of a patent for such period or periods as in his opinion the national interest requires: *Provided*, That the invention disclosed in the application for said patent may be held abandoned upon it being established before or by the Commissioner that in violation of said order said invention has been published or disclosed or that an application for a patent therefor has been filed in a foreign country by the inventor or his assigns or legal representatives, without the consent or approval of the Commissioner of Patents.

When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the Commissioner of Patents above referred to shall tender his invention to the Government of the United States for its use, he shall, if and when he ultimately receives a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government: *Provided*, That the Secretary of War or the Secretary of the Navy or the chief officer of any established defense agency of the United States, as the case may be, is authorized to enter into an agreement with the said applicant in full settlement and compromise for the damage accruing to him by reason of the order of secrecy, and for the use of the invention by the Government. (Oct. 6, 1917, ch. 95, 40 Stat. 394; July 1, 1940, ch. 501, § 1, 54 Stat. 710.)

#### EFFECTIVE DATE

Section 2 of act July 1, 1940, cited to text, provided: "SEC. 2. This Act shall take effect on approval and shall remain in force for a period of two years from such date."

**§ 43. Same; representation of heads of departments requesting expedition of patents.**—In every case where the head of any department of the Government shall request the Commissioner of Patents to expedite the consideration of an application for a patent it shall be the duty of such head of a department to be represented before the commissioner in order to prevent the



improper issue of a patent. (Mar. 3, 1897, ch. 391, § 7, 29 Stat. 694.)

§ 44. Same; issue to assignee.—Patents may be granted and issued or reissued to the assignee of the inventor or discoverer; but the assignment must first be entered of record in the Patent Office. And in all cases of an application by an assignee for the issue of a patent, the application shall be made and the specification sworn to by the inventor or discoverer; and in all cases of an application for a reissue of any patent, the application must be made and the corrected specification signed by the inventor or discoverer, if he is living. (R. S. § 4895.)

#### DERIVATION

Acts July 8, 1870, ch. 230, § 33, 16 Stat. 202; Mar. 3, 1871, ch. 132, 16 Stat. 583.

§ 45. Same; issue to Government officers for inventions used in public service.—The Commissioner of Patents is authorized to grant, subject to law existing April 30, 1928, to any officer, enlisted man, or employee of the Government, except officers and employees of the Patent Office, a patent for any invention of the classes mentioned in section 31 of this title, without the payment of any fee when the head of the department or independent bureau certifies such invention is used or liable to be used in the public interest: *Provided*, That the applicant in his application shall state that the invention described therein, if patented, may be manufactured and used by or for the Government for governmental purposes without the payment to him of any royalty thereon, which stipulation shall be included in the patent. (Mar. 3, 1883, ch. 143, 22 Stat. 625; Feb. 14, 1903, ch. 552, § 12, 32 Stat. 830; Apr. 30, 1928, ch. 460, 45 Stat. 467.)

§ 47. Assignments of patents and applications; evidence of execution.—Every application for patent or patent or any interest therein shall be assignable in law by an instrument in writing, and the applicant or patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his application for patent or patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice unless it is recorded in the Patent Office within three months from the date thereof or prior to such subsequent purchase or mortgage.

If any such assignment, grant, or conveyance of any application for patent or patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of any court of the United States for any district or Territory, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section 131 of Title 22 the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance. (R. S. § 4898; Mar. 3, 1897, ch. 391, § 5, 29 Stat. 693; Feb. 18, 1922, ch. 58, § 6, 42 Stat. 391; Aug. 18, 1941, ch. 370, 55 Stat. 634.)



**§ 49. Patented articles marked as such; notice of infringement.**—It shall be the duty of all patentees and their assigns and legal representatives, and of all persons making or vending any patented article for or under them, to give sufficient notice to the public that the same is patented; either by fixing thereon the word “patent,” together with the number of the patent, or when, from the character of the article, this can not be done, by fixing to it, or to the package wherein one or more of them is inclosed, a label containing the like notice: *Provided, however,* That with respect to any patent issued prior to April 1, 1927, it shall be sufficient to give such notice in the form following, viz: “Patented,” together with the day and year the patent was granted; and in any suit for infringement by the party failing so to mark, no damages shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement and continued, after such notice, to make, use, or vend the article so patented. (R. S. § 4900; Feb. 7, 1927, ch. 67, 44 Stat. 1058.)

## DERIVATION

Act July 8, 1870, ch. 230, § 38, 16 Stat. 203.

**§ 50. Falsely marking or labeling articles; penalty.**—Every person who, in any manner, marks upon anything made, used, or sold by him for which he has not obtained a patent, the name or any imitation of the name of any person who has obtained a patent therefor without the consent of such patentee, or his assigns or legal representatives; or

Who, in any manner, marks upon or affixes to any such patented article the word “patent” or “patentee,” or the words “letters patent” or any word of like import, with intent to imitate or counterfeit the mark or device of the patentee, without having the license or consent of such patentee or his assigns or legal representatives; or

Who, in any manner, marks upon or affixes to any unpatented article the word “patent,” or any word importing that the same is patented, for the purpose of deceiving the public, shall be liable, for every such offense, to a penalty of not less than \$100, with costs; one-half of said penalty to the person who shall sue for the same, and the other to the use of the United States, to be recovered by suit in any district court of the United States within whose jurisdiction such offense may have been committed. (R. S. § 4901.)

## DERIVATION

Act July 8, 1870, ch. 230, § 39, 16 Stat. 203.

**§ 51. Notice of rejection of claim.**—Whenever, on examination, any claim for a patent is rejected, the commissioner shall notify the applicant thereof, giving him briefly the reasons for such rejection, together with such information and references as may be useful in judging of the propriety of renewing his application or of altering his specification; and if after receiving such notice, the applicant persists in his claim for a patent, with or without altering his specifications, the commissioner shall order a reexamination of the case.



No amendment for the first time presenting or asserting a claim which is the same as, or for substantially the same subject matter as, a claim of an issued patent may be made in any application unless such amendment is filed within one year from the date on which said patent was granted. (R. S. § 4903; Aug. 5, 1939, ch. 452, § 1, 53 Stat. 1213.)

#### DERIVATION

Act July 8, 1870, ch. 230, § 42, 16 Stat. 204.

#### EFFECTIVE DATE

Last paragraph was made effective one year after Aug. 5, 1939, by section 2 of act Aug. 5, 1939, cited to text, which provided: "This Act shall take effect one year after its approval."

**§ 56a. Secretary of Agriculture to furnish information, and detail employees to Commissioner of Patents.**—The President may by Executive order direct the Secretary of Agriculture (1) to furnish the Commissioner of Patents such available information of the Department of Agriculture, or (2) to conduct through the appropriate bureau or division of the department such research upon special problems, or (3) to detail to the Commissioner of Patents such officers and employees of the department, as the commissioner may request for the purposes of carrying into effect the provisions of section 31, 32a, 33, 35, and 40 of this title relating to plants. (May 23, 1930, ch. 312, § 4, 46 Stat. 376.)

**§ 64. Reissue of defective patents; patents for separate part.**—Whenever any patent is wholly or partly inoperative or invalid, by reason of a defective or insufficient specification, or by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new, if the error has arisen by inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, the commissioner shall, on the surrender of such patent and the payment of the duty required by law, cause a patent for the same invention, and in accordance with the corrected specification, to be reissued to the patentee or to his assigns or legal representatives, for the unexpired part of the term of the original patent. Such surrender shall take effect upon the issue of the reissued patent, but in so far as the claims of the original and reissued patents are identical, such surrender shall not affect any action then pending nor abate any cause of action then existing, and the reissued patent to the extent that its claims are identical with the original patent shall constitute a continuation thereof and have effect continuously from the date of the original patent. The commissioner may, in his discretion, cause several patents to be issued for distinct and separate parts of the thing patented, upon demand of the applicant, and upon payment of the required fee for a reissue for each of such reissued letters patent. The specifications and claims in every such case shall be subject to revision and restriction in the same manner as original applications are. Every patent so reissued, together with the corrected specifications, shall have the same effect and operation in law, on the trial of all actions for causes thereafter arising, as if the same had been originally filed in such corrected form; but no new matter shall be introduced into the specification, nor in case of a



machine patent shall the model or drawings be amended, except each by the other; but when there is neither model nor drawing, amendments may be made upon proof satisfactory to the commissioner that such new matter or amendment was a part of the original invention, and was omitted from the specification by inadvertence, accident, or mistake, as aforesaid. (R. S. § 4916; May 24, 1928, ch. 730, 45 Stat. 732.)

#### DERIVATION

Act July 8, 1870, ch. 230, § 53, 16 Stat. 205.

### PROTECTION OF PATENT RIGHTS

**§ 65. Disclaimer.**—Whenever, through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, a patentee has claimed more than that of which he was the original or first inventor or discoverer, his patent shall be valid for all that part which is truly and justly his own, provided the same is a material or substantial part of the thing patented; and any such patentee, his heirs or assigns, whether of the whole or any sectional interest therein, may, on payment of the fee required by law, make disclaimer of such parts of the thing patented as he shall not choose to claim or to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent. Such disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent Office; and it shall thereafter be considered as part of the original specification to the extent of the interest possessed by the claimant and by those claiming under him after the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing it. (R. S. § 4917.)

#### DERIVATION

Act July 8, 1870, ch. 230, § 54, 16 Stat. 206.

**§ 68. Suit for unlicensed use of invention by the United States; compensation for; Government employees.**—Whenever an invention described in and covered by a patent of the United States shall be used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, such owner's remedy shall be by suit against the United States in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture. The Court of Claims shall not entertain a suit or award compensation under the provisions of this section where the claim for compensation is based on the use or manufacture by or for the United States of any article owned, leased, used by, or in the possession of the United States prior to June 25, 1910. In any such suit the United States may avail itself of any and all defenses, general or special, that might be pleaded by a defendant in an action for infringement, as set forth in this chapter, or otherwise. The benefits of the provisions of this section shall not inure to any patentee who, when he makes such claim, is in the employment or service of the Government of the United States, or the assignee of any such



patentee. This section shall not apply to any device discovered or invented by such employee during the time of his employment or service. (June 25, 1910, ch. 423, 36 Stat. 851; July 1, 1918, ch. 114, 40 Stat. 705.)

**§ 72. Patent not void for previous use of thing in foreign country.**—Whenever it appears that a patentee at the time of making his application for the patent, believed himself to be the original and first inventor or discoverer of the thing patented, the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been known or used in a foreign country, before his invention or discovery thereof, if it had not been patented or described in a printed publication. (R. S. § 4923.)

#### DERIVATION

Act July 8, 1870, ch. 230, § 62, 16 Stat. 208.

#### MISCELLANEOUS PROVISIONS; CERTIFICATES CORRECTING MISTAKES

**§ 88. Mistake in patent; certificate thereof issued by Patent Office; effect.**—Whenever a mistake in a patent, incurred through the fault of the Patent Office, is clearly disclosed by the records or files of the office, a certificate, stating the fact and nature of such mistake, signed by the Commissioner of Patents and sealed with the seal of the Patent Office, may be issued, without charge, and recorded in the records of patents, and a printed copy thereof attached to each printed copy of the patent, and such certificate shall thereafter be considered as part of the original, and every patent, together with such certificate, shall have the same effect and operation in law on the trial of all actions for causes thereafter arising as if the same had been originally issued in such corrected form. All such certificates issued prior to March 4, 1925, in accordance with the rules of the Patent Office and the patent to which they are attached shall have the same force and effect as if such certificates had been specifically authorized by statute. (Mar. 4, 1925, ch. 535, § 1, 43 Stat. 1268.)

**§ 89. Adjustment of royalty rates; notice; remedies against licensee.**—To aid in the successful prosecution of the War, whenever an invention, whether patented or unpatented, shall be manufactured, used, sold, or otherwise disposed of for the United States, with license from the owner thereof or anyone having the right to grant licenses thereunder, and such license includes provisions for the payment of royalties the rates or amounts of which are believed to be unreasonable or excessive by the head of the department or agency of the Government which has ordered such manufacture, use, sale, or other disposition, the head of the department or agency of the Government concerned shall give written notice of such fact to the licensor and to the licensee. Within a reasonable time after the effective date of said notice, in no event less than ten days, the head of the department or agency of the Government concerned, shall by order fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production, and shall authorize the payment thereof by the licensee to the



licensor on account of such manufacture, use, sale, or other disposition: *Provided, however,* That the licensee or licensor, if he so requests within ten days from and after the effective date of said notice, may within thirty days from the date of such request present in writing or in person any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalties, if any, to be determined, fixed and specified as aforesaid, and any order fixing and specifying the rates and amounts of royalties shall be issued within a reasonable time after such presentation. Such licensee shall not after the effective date of said notice pay to the licensor, nor charge directly or indirectly to the United States a royalty, if any, in excess of that specified in said order on account of such manufacture, use, sale, or other disposition. The licensor shall not have any remedy by way of suit, set-off, or other legal action against the licensee for the payment of any additional royalty remaining unpaid, or damages for breach of contract or otherwise, but such licensor's sole and exclusive remedy, except as to the recovery of royalties fixed in said order, shall be as provided in section 90 of this title. Written notice as provided herein shall be mailed to the last known address of the licensor and licensee and shall be effective upon receipt or five days after the mailing thereof, whichever date is the earlier. (Oct. 31, 1942, ch. 634, § 1, 56 Stat. 1013.)

#### APPLICABILITY OF OTHER LAWS; SAVING CLAUSE

Sections 9 and 10 of act Oct. 31, 1942, cited to text, provided as follows:

"SEC. 9. Nothing herein contained shall be deemed to preclude the applicability of Section 403 of Public Law 528, Seventy-seventh Congress (section 1191 of Appendix to Title 50, War), as the same may be heretofore or hereafter amended so far as the same may be applicable.

"SEC. 10. If any provision of this Act or the application of any provision to any person or circumstance shall be held invalid, or if any provision of this Act shall be inoperative by its terms, the validity or applicability of the remainder of the Act shall not be affected thereby."

#### TERMINATION DATE

Section continued in force for duration of present war and six months after termination thereof by section 95 of this title.

**§ 91. Same; settlement and compromise of claims against the United States.**—The head of any department or agency of the Government which has ordered the manufacture, use, sale, or other disposition of an invention, whether patented or unpatented, and whether or not an order has been issued in connection therewith pursuant to section 89 of this title, is authorized and empowered to enter into an agreement, before suit against the United States has been instituted, with the owner or licensor of such invention, in full settlement and compromise of any claim against the United States accruing to such owner or licensor under the provisions of sections 89-96 of this title, or any other law by reason of such manufacture, use, sale, or other disposition, and for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of said invention. (Oct. 31, 1942, ch. 634, § 3, 56 Stat. 1014.)

#### SAVING CLAUSE

See note under section 89 of this title.



**§ 92. Same; government as benefited by royalty rate reductions.**—Whenever a reduction in the rates or amounts of royalties is effected by order, pursuant to section 89 of this title, or by compromise or settlement, pursuant to section 91 of this title, such a reduction shall inure to the benefit of the Government by way of a corresponding reduction in the contract price to be paid directly or indirectly for such manufacture, use, sale, or other disposition of such invention, or by way of refund if already paid to the licensee. (Oct. 31, 1942, ch. 634, § 4, 56 Stat. 1014.)

SAVING CLAUSE

See note under section 89 of this title.

**§ 93. Same; delegation of power by department or agency heads.**—The head of the department or agency of the Government concerned is further authorized, in his discretion and under such rules and regulations as he may prescribe, to delegate and provide for the delegation of any power and authority conferred by sections 89-96 of this title to such qualified and responsible officers, boards, agents, or persons as he may designate or appoint. (Oct. 31, 1942, ch. 634, § 5, 56 Stat. 1014.)

SAVING CLAUSE

See note under section 89 of this title.

**§ 94. Same; manufacture, use, sale, or other disposition of invention, patented or unpatented, by any person, construed as manufacture or use for United States.**—For the purposes of sections 89-96 of this title, the manufacture, use, sale, or other disposition of an invention, whether patented or unpatented, by a contractor, a subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government shall be construed as manufacture, use, sale, or other disposition for the United States and for the purposes of section 68 of this title, the use or manufacture of an invention described in and covered by a patent of the United States by a contractor, a subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government, shall be construed as use or manufacture for the United States. (Oct. 31, 1942, ch. 634, § 6, 56 Stat. 1014.)

SAVING CLAUSE

See note under section 89 of this title.

**§ 95. Same; royalties chargeable to United States for supplies, etc., delivered or to be delivered as affected; termination date of sections 89 and 90.**—Sections 89-96 of this title shall apply to all royalties directly or indirectly charged or chargeable to the United States for any supplies, equipment, or materials to be delivered to or for the Government from and after the effective date of the notice provided for in section 89 of this title. Sections 89-96 of this title shall also apply to all royalties charged or chargeable directly or indirectly to the United States for supplies, equipment, or materials already delivered to or for the Government which royalties have not been paid to the licensor prior to the effective date of the notice provided for in section 89



of this title. Sections 89 and 90 of this title shall remain in force only during the continuance of the present war and for six months after the termination thereof, except that as to rights accrued or liabilities incurred prior to termination thereof, the provisions of sections 89-96 of this title shall be treated as remaining in force and effect for the purpose of settling, sustaining, qualifying, or defeating any suit or claim hereunder. (Oct. 31, 1942, ch. 634, §7, 56 Stat. 1014.)

#### SAVING CLAUSE

See note under section 89 of this title.

**§ 96. Same; rules and regulations; applicability of certain sections; definition of defense contract.**—The head of each department or agency of the Government may issue such rules and regulations and require such information as may be necessary and proper to carry out the provisions of sections 89-96 of this title. The provisions of section 310 (l) of Title 10 and sections 643-643c of Appendix to Title 50, shall be applicable to the owner, licensor, or licensee of an invention, whether patented or unpatented, manufactured, used, sold, or otherwise disposed of for the United States, and the term "defense contract" as used in sections 643-643c of Appendix to Title 50 shall mean and include an agreement for the payment of royalty, regardless of the date of such agreement, under or by virtue of which royalty is directly or indirectly paid by the Government or included within the contract price for property sold to or manufactured for the Government. (Oct. 31, 1942, ch. 634, § 8, 56 Stat. 1015.)

#### SAVING CLAUSE

See note under section 89 of this title.

### TITLE 36—PATRIOTIC SOCIETIES AND OBSERVANCES

#### NATIONAL OBSERVANCES

**§ 141. Display of flag on buildings on second Sunday in May.**—The President of the United States is authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag at their homes or other suitable places, on the second Sunday in May, as a public expression of our love and reverence for the mothers of our country. (May 8, 1914, No. 13, § 1, 38 Stat. 770.)

**§ 142. Second Sunday in May designated as Mother's Day.**—The second Sunday in May shall hereafter be designated and known as Mother's Day, and it shall be the duty of the President to request its observance as provided for in this resolution. (May 8, 1914, No. 13, § 2, 38 Stat. 771.)

**§ 146. October twelfth as Columbus Day.**—The President of the United States is authorized and requested to issue a proclamation designating October 12 of each year as Columbus Day and calling upon officials of the Government to display the flag of the United States on all Government buildings on said date and inviting the people of the United States to observe the day in schools



and churches, or other suitable places, with appropriate ceremonies expressive of the public sentiment befitting the anniversary of the discovery of America. (Apr. 30, 1934, ch. 184, 48 Stat. 657.)

**§ 147. Display of flag on buildings on last Sunday in September.**—The President of the United States is authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag and to hold appropriate meetings at their homes, churches, or other suitable places, on the last Sunday in September, as a public expression of the love, sorrow, and reverence of the people of the United States for the American Gold Star Mothers. (June 23, 1936, ch. 736, § 1, 49 Stat. 1895.)

**§ 148. Last Sunday in September designated as Gold Star Mother's Day.**—The last Sunday in September shall be designated and known as "Gold Star Mother's Day", and it shall be the duty of the President to request its observance as provided for in section 147 of this title. (June 23, 1936, ch. 736, § 2, 49 Stat. 1895.)

**§ 149. April thirteenth for commemoration of Thomas Jefferson's birth.**—The President of the United States of America is authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on April 13 of each year, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the birth of Thomas Jefferson. (Aug. 16, 1937, ch. 666, 50 Stat. 668.)

**§ 151. August nineteenth as Aviation Day.**—The President of the United States is authorized to designate August 19 of each year as National Aviation Day, and to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate exercises to further and stimulate interest in aviation in the United States. (May 11, 1939, ch. 123, 53 Stat. 739.)

**§ 170. National anthem; Star-Spangled Banner.**—The composition consisting of the words and music known as The Star-Spangled Banner is designated the national anthem of the United States of America. (Mar. 3, 1931, ch. 436, 46 Stat. 1508.)

## **TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF**

### **WORLD WAR II SERVICEMEN'S READJUSTMENT BENEFITS**

**§ 694. General provisions including eligibility, administration, interest, term, security and foreclosure.**—(a) Any person who shall have served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to the termination of the present war and who shall have been discharged or released therefrom under conditions other than dishonorable after active service of ninety days or more, or by reason of an injury or disability incurred in service in line of



duty, shall be eligible for the benefits of this subchapter. Any such veteran may apply within two years after separation from the military or naval forces, or two years after termination of the war, whichever is the later date, but in no event more than five years after the termination of the war, to the Administrator of Veterans' Affairs for the guaranty by the Administrator of not to exceed 50 per centum of a loan or loans for any of the purposes specified in sections 694a-694c of this title: *Provided*, That the aggregate amount guaranteed shall not exceed \$2,000. If the Administrator finds that the veteran is eligible for the benefits of this subchapter and that the loan applied for appears practicable, the Administrator shall guarantee the payment of the part thereof as set forth in this subchapter.

(b) Interest for the first year on that part of the loan guaranteed by the Administrator shall be paid by the Administrator out of available appropriations. No security for the guaranty of a loan shall be required except the right to be subrogated to the lien rights of the holder of the obligation which is guaranteed: *Provided*, That pursuant to regulations to be issued by the Administrator the mortgagor and mortgagee shall agree that before beginning foreclosure proceedings for default in payment of principal or interest due, the Administrator shall have at least thirty days' notice with the option of bidding in the property on foreclosure or of refinancing the loan with any other agency or by any other means available.

(c) Loans guaranteed by the Administrator under this subchapter shall be payable under such terms and conditions as may be approved by the Administrator: *Provided*, That the liability under the guaranty, within the limitations of this subchapter, shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation: *Provided further*, That loans guaranteed by the Administrator shall bear interest at a rate not exceeding 4 per centum per annum and shall be payable in full in not more than twenty years. The Administrator is authorized and directed to guarantee loans to veterans subject to the provisions of this subchapter on approved applications made to persons, firms, associations, and corporations and to governmental agencies and corporations, either State or Federal. (June 22, 1944, ch. 268, title III, § 500, 58 Stat. 291.)

**§ 694e. Delegation of authority to approve loans; second loans; eligibility for farm tenant.**

\* \* \* \* \*

(b) Any person who is found by the Administrator of Veterans' Affairs to be a veteran eligible for the benefits of this subchapter, as provided in section 694 of this title, and who is found by the Secretary of Agriculture, by reason of his ability and experience, including training as a vocational trainee, to be likely to carry out successfully undertakings required of him under a loan which may be made under sections 1000-1003, 1004-1029 of Title 7, shall be eligible for the benefits of such sections to the same extent as if he were a farm tenant. (June 22, 1944, ch. 268, title III, § 505, 58 Stat. 293.)



**§ 696f. Administration—(a) Utilization of existing facilities of Federal and State agencies.**—The Administrator of Veterans' Affairs is authorized to administer this subchapter and shall, insofar as possible, utilize existing facilities and services of Federal and State departments or agencies on the basis of mutual agreements with such departments or agencies. Such agreements shall provide for the filing of claims for readjustment allowances with the Administrator through established public employment offices and State unemployment-compensation agencies. Such agencies, through agreement, shall also be utilized in the processing, adjustment, and determination of such claims and the payment of such allowances. To facilitate the carrying out of agreements with State departments or agencies and to assist in the discharge of the Administrator's duties under this subchapter, a representative of the Administrator, who shall be a war veteran separated from active service under honorable conditions and who at the time of appointment shall have been a bona fide resident of the State for at least two years, shall be located in each participating State department or agency.

\* \* \* \* \*

(June 22, 1944, ch. 268, title V, § 1100, 58 Stat. 298.)

## **TITLE 39—THE POSTAL SERVICE**

### **FRANKING PRIVILEGE**

**§ 321. Matter relating to official business; official envelopes.**—It shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States; official mail matter of all officers of the United States Government, not including Members of Congress; all official mail matter of Smithsonian Institution; all official mail matter of the Pan American Union; and all official mail matter of the National Home for Disabled Volunteer Soldiers, the envelopes of such matter in all cases to bear appropriate indorsement containing the proper designation of the office from which, or officer from whom, the same is transmitted with the statement of the penalty for their misuse. Every such letter or package to entitle it to pass free, shall bear over the words "Official business" an indorsement showing also the name of the department, and if from a bureau or office, the names of the department and bureau or office, as the case may be, whence transmitted. It shall be the duty of each of the executive departments of the United States to provide for itself and its subordinate offices necessary envelopes and in addition to the indorsement designating the department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon. Any department or office authorized to use the penalty envelopes may inclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information and indorsements relating thereto. Any



part paid letter or packet addressed to any of the departments or bureaus may be delivered free, but where there is good reason to believe the omission to prepay the full postage thereon was intentional such letter or packet shall be returned to the sender. This section shall not extend or apply to officers who receive a fixed allowance as compensation for their services including expenses of postages. (Mar. 3, 1877, ch. 103, §§ 5, 6, 19 Stat. 335, 336; Mar. 3, 1879, ch. 180, § 29, 20 Stat. 362; July 5, 1884, ch. 234, § 3, 23 Stat. 158; Aug. 18, 1894, ch. 301, § 1, 28 Stat. 412; Feb. 20, 1897, ch. 268, 29 Stat. 590.)

**§ 321a. Same; registered mail.**—Any official domestic letter or parcel to be registered by any executive department or bureau thereof, or independent Government institution, located at Washington, District of Columbia, or by the Public Printer, which requires registration may be registered without the payment of any registry fee. (July 5, 1884, ch. 234, § 3, as added May 1, 1928, ch. 463, § 2, 45 Stat. 469.)

**§ 321b. Restriction on privilege of executive departments and independent establishments; reports of free mail.**—On and after July 1, 1939, no executive department or independent establishment of the Government shall transmit through the mail, free of postage, any book, report, periodical, bulletin, pamphlet, list, or other article or document (except official letter correspondence, including such enclosures as are reasonably related to the subject matter of the correspondence; informational releases in connection with the decennial census of the United States, mail concerning the sale of Government securities, and all forms and blanks and copies of statutes, rules, regulations, and instructions and administrative orders and interpretations necessary in the administration of such departments and establishments), unless a request therefor has been previously received by such department or independent establishment; or such transmission is required by law; or such document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject. For each quarter, beginning with the quarter commencing July 1, 1939, the head of each independent establishment and executive department (other than the Post Office Department) shall submit to the Postmaster General within thirty days after the close of the quarter, a statement of the weight of the mail matter by classes of mail that the independent establishment or department has transmitted free of postage during such quarter, and he shall also certify to the Postmaster General at the end of each such quarter that nothing was transmitted through the mail free of postage by the independent establishment or department in violation of the provisions of this section: *Provided*, That nothing herein shall be construed to prohibit the mailing free of postage of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Documents, or of announcements of publications of maps, atlases, statistical, and other reports offered for sale by the Federal Power Commission as authorized by section 825k of Title 16: *Provided further*, That this prohibition shall not apply to the



transmission of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries, or to Federal, State, or other public authorities. (May 6, 1939, ch. 115, § 6, 53 Stat. 683; June 30, 1939, ch. 254, § 2, 53 Stat. 989.)

#### SUSPENDED IN PART

Insofar as the Selective Service System is concerned, so much of this section as requires the heads of independent establishments and executive departments to submit quarterly reports concerning mail matter transmitted free was suspended during the emergency declared by the President on May 27, 1941, by act Feb. 21, 1942, ch. 108, title I, 56 Stat. 101.

During the period of national emergency declared by the President on September 8, 1939, the provision of this section requiring the head of each executive department and independent establishment (other than the Post Office Department) to submit quarterly reports was suspended by act Sept. 9, 1940, 9 a. m., E. S. T., ch. 717, title III, § 301, 54 Stat. 884; as amended Oct. 26, 1942, ch. 629, title II, § 202, 56 Stat. 1005.

**§ 321c. Penalty mail privilege of executive departments, agencies, etc.; procurement of envelopes, labels to Postmaster General.**—All envelopes, labels, wrappers, cards, and other articles, bearing the indicia prescribed by law for matter mailed free of postage under the penalty privilege by all executive departments and agencies, all independent establishments of the Government, and all other organizations and persons authorized by law to use the penalty privilege, shall be procured or accounted for through the Postmaster General under such regulations as he shall prescribe. The head of each such department, agency, establishment, or other organization, or each such person, shall submit to the Postmaster General within sixty days after the close of each fiscal year a statement showing the number of envelopes, labels, wrappers, cards, and other articles bearing such indicia on hand at the close of such fiscal year. (June 28, 1944, ch. 293, § 1, 58 Stat. 394.)

#### EFFECTIVE DATE

Section 8 of act June 28, 1944, cited to text, provided: "This Act [sections 321c-321h of this title] shall take effect July 1, 1944."

#### APPROPRIATIONS

Section 7 of act June 28, 1944, cited to text, provided: "There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [sections 321c-321h of this title]."

**§ 321d. Annual reports by executive departments, agencies, etc.; estimated cost covered in annual appropriations; deposit of moneys.**—(a) The Postmaster General shall report to the Congress and to the Bureau of the Budget as soon as practicable after the close of the fiscal year ending June 30, 1944, and within ninety days after the close of each subsequent fiscal year, the number of envelopes, labels, wrappers, cards, and other articles bearing such penalty indicia used during such fiscal year by each executive department and agency, by each independent establishment, and by each organization and person authorized by law to use the penalty privilege.

(b) The Postmaster General shall, beginning with the fiscal year beginning July 1, 1944, report quarterly to the Congress and the Bureau of the Budget the number of envelopes, labels,



wrappers, cards, and other articles bearing such penalty indicia procured or accounted for, through him, by each such department, agency, establishment, and other organization and person, together with the estimated number of pieces and weight of matter mailed free of postage under the penalty privilege and the estimated cost of handling such matter as determined by the cost ascertainment procedure of the Post Office Department.

(c) Based on the estimated cost determined in accordance with subsection (b), each such department, agency, and independent establishment, except the Post Office Department, shall include in its annual estimates of appropriations an amount representing the anticipated costs to the Post Office Department of handling the penalty mail of such department, agency, or independent establishment.

(d) Within thirty days following determination and advice by the Postmaster General of the estimated cost of handling the penalty mail, each such department agency, and independent establishment shall deposit in the general funds of the Treasury as miscellaneous receipts from its appropriations an amount equivalent to such costs. (June 28, 1944, ch. 293, § 2, 58 Stat. 394.)

#### EFFECTIVE DATE

Effective date, see note under section 321c of this title.

**§ 321e. Limitation on size and weight of acceptable articles.**—On and after August 1, 1944, no article or package of official matter, or number of articles or packages of official matter constituting in fact a single shipment, exceeding four pounds in weight shall be admitted to the mails under the penalty privilege, except (1) stamped paper and supplies sold or used by the postal service; and (2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Public Documents or under the franking privileges. (June 28, 1944, ch. 293, § 3, 58 Stat. 394.)

**§ 321f. Fourth class mail for articles of excessive size or weight; shipment by most economical means.**—(a) Official matter not within the provisions of section 321e of this title which is over four pounds in weight, if otherwiseailable, whether sealed or unsealed, including written matter, shall, if such matter does not exceed the limit of weight or size prescribed for fourth-class matter, be accepted for mailing upon the payment of postage at fourth-class rates.

(b) Shipments of official matter shall be sent by the most economical means of transportation practicable, and the Postmaster General may refuse to accept any such matter for shipment by mail when in his judgment it is in the public interest that it be forwarded by other means at less expense. (June 28, 1944, ch. 293, § 4, 58 Stat. 395.)

**§ 321h. Executive departments, agencies, etc., to supply information under sections 321c-321g.**—All executive departments and agencies, all independent establishments of the Government, and all other organizations and persons authorized by law to use the penalty privilege, are directed to supply as soon as practi-



cable, all necessary information requested by the Post Office Department to carry out the provisions of sections 321c-321h of this title. (June 28, 1944, ch. 293, § 6, 58 Stat. 395.)

#### EFFECTIVE DATE

Effective date, see note under section 321c of this title.

**§ 322. Penalty envelopes for answers inclosed.**—The respective departments shall inclose to Senators, Representatives, and Delegates in Congress, in all official communications requiring answers, or to be forwarded to others, penalty envelopes, addressed as far as practicable, for forwarding or answering such official correspondence. (Mar. 3, 1833, ch. 128, § 2, 22 Stat. 563.)

**§ 329. Seeds and reports from Department of Agriculture.**—Seeds transmitted by the Secretary of Agriculture, or by any Member of Congress or Delegate receiving seeds for distribution from said department, together with agricultural reports emanating from that department, and so transmitted, shall, under such regulations as the Postmaster General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-Members of Congress and ex-Delegates for the period of nine months after the expiration of their terms as Members and Delegates. (Mar. 3, 1875, ch. 128, § 7, 18 Stat. 343; Feb. 9, 1889, ch. 122, § 1, 25 Stat. 659.)

**§ 330. Agricultural extension work between agricultural colleges and Department of Agriculture.**—All correspondence, bulletins, and reports for the furtherance of the purposes of sections 341-343, 344-348 of Title 7, may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General, from time to time, may prescribe, by such college officer or other person connected with the extension department of such colleges as the Secretary of Agriculture may designate to the Postmaster General. (June 30, 1914, ch. 131, 38 Stat. 438.)

**§ 333. Matter admitted under penalty privilege restricted.**—No article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, shall be admitted to the mails under a penalty privilege, unless such article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps would be entitled to admission to the mails under laws requiring payment of postage. (June 26, 1906, ch. 3546, 34 Stat. 477.)

**§ 334. Overweight matter.**—No article or package exceeding four pounds in weight shall be admitted to the mails under the penalty privilege except postage stamps, stamped envelopes, newspaper wrappers, postal cards, internal-revenue stamps, single books weighing in excess of that amount, and books and documents published or circulated by order of Congress, or printed or written official matter emanating from any of the departments of the Government, or from the Smithsonian Institution. (June 8, 1896, ch. 370, 29 Stat. 262; June 26, 1906, ch. 3546, 34 Stat. 477; May 18, 1916, ch. 126, § 11, 39 Stat. 162.)



**§ 335. Lending or permitting use of frank unlawful.**—It shall be unlawful for any person entitled under the law to the use of a frank to lend said frank or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This provision shall not apply to any committee composed of Members of Congress. (June 26, 1906, ch. 3546, 34 Stat. 477.)

**§ 355. Contracts for envelopes by Postmaster General.**—The Postmaster General shall contract, for a period not exceeding four years, for all envelopes, stamped or otherwise, designed for sale to the public, or for use by the Post Office Department, the Postal Service, and other executive departments, and all Government bureaus and establishments, and the branches of the service coming under their jurisdiction, and may contract for them to be plain or with such printed matter as may be prescribed by the department making requisition therefor. (June 26, 1906, ch. 3546, 34 Stat. 476.)

## **TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS**

### **PUBLIC BUILDINGS, GROUNDS, PARKS, AND WHARVES IN DISTRICT OF COLUMBIA**

**§ 1. Control and allotment of space in public buildings in District of Columbia.**—The Public Buildings Administration in the Federal Works Agency shall have the absolute control of and the allotment of all space in the several public buildings owned or buildings leased by the United States in the District of Columbia, with the exception of the Executive Mansion and office of the President, Capitol Building, the Senate and House Office Buildings, the Capitol power plant, the buildings under the jurisdiction of the Regents of the Smithsonian Institution, and the Congressional Library Building, and shall from time to time assign and allot, for the use of the several activities of the Government, all such space. (Mar. 1, 1919, ch. 86, § 10, 40 Stat. 1269; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389; Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 Fed. Reg. 2729, 53 Stat. 1426, 1427.)

#### **TRANSFER OF FUNCTIONS**

The provisions of this section were originally made applicable to the Public Buildings Commission by act Mar. 1, 1919, cited to text. Ex. Ord. No. 6166, cited to text, abolished the Public Buildings Commission and transferred its functions to the Office of National Parks, Buildings, and Reservations in the Department of the Interior. The name of the latter office was changed to "National Park Service" by act Mar. 2, 1934, cited to text. The functions of the National Park Service in the District of Columbia in connection with the general assignment of space, etc., were transferred to the Public Buildings Administration in the Federal Works Agency by Reorg. Plan No. I, cited to text, and set out in note to section 133t of Title 5, Executive Departments and Government Officers and Employees.

**§ 23. Maximum rates for gas.**—No part of any money appropriated by any Act shall be used for the payment to the Washington Gas Light Company or the Georgetown Gas Light Company for any gas furnished by said companies for use in any of the public buildings of the United States or the District



of Columbia at a rate in excess of 70 cents per one thousand cubic feet. (Sept. 1, 1916, ch. 433, § 6, 39 Stat. 716.)

**§ 27a. Superintendent of meters to report consumption of gas and electricity.**—The Superintendent of Meters of the Federal Works Agency shall take the statement of the meters of the several department buildings in the city of Washington, and render to the General Accounting Office the consumption of gas and electricity each month in said buildings respectively. (Aug. 9, 1937, ch. 570, § 1, 50 Stat. 608; Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 Fed. Reg. 2729, 53 Stat. 1426, 1427.)

#### TRANSFER OF FUNCTIONS

This section originally referred to the Superintendent of Meters of the Department of the Interior. Since the transfer of the Branch of Buildings Management of the National Park Service of the Department of the Interior to the Federal Works Agency under Reorg. Plan No. I, cited to text and set out in note to section 133t of Title 5, Executive Departments and Government Officers and Employees, the Superintendent of Meters has functioned under the Public Buildings Administration, Federal Works Agency.

**§ 31. Use of public buildings for public ceremonies.**—No public building, or the approaches thereto, other than the Capitol Building and the White House, in the District of Columbia, shall be used or occupied in any manner whatever in connection with ceremonies attending the inauguration of President of the United States, or other public function, except as may hereafter be expressly authorized by law. (Apr. 28, 1902, ch. 594, § 1, 32 Stat. 152.)

**§ 33. Restriction on expenditures for production electricity.**—No appropriation for the construction or equipment of any executive or municipal building in the District of Columbia shall be expended for the production of electricity for light or power, unless, in the judgment of the Secretary of the Treasury, such necessary electric current for light and power cannot be obtained at a less cost. (Mar. 4, 1907, ch. 2918, § 9, 34 Stat. 1371.)

**§ 34. Rent of buildings in District of Columbia; contracts not to be made until appropriation.**—No contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and this clause shall be regarded as notice to all contractors or lessors of any such building or any part of building. (Mar. 3, 1877, ch. 106, § 1, 19 Stat. 370.)

**§ 35. Same; rent of other buildings.**—Where buildings are rented for public use in the District of Columbia, the executive departments are authorized, whenever it shall be advantageous to the public interest, to rent others in their stead: *Provided*, That, except as otherwise provided, no increase in the number of buildings in use, nor in the amounts paid for rents, shall result therefrom. (Aug. 5, 1882, ch. 389, § 1, 22 Stat. 241.)

**§ 36. Lease of storage accommodations by heads of executive departments.**—The heads of the several executive departments are authorized to enter into contracts for the lease, for periods of not exceeding six years, of modern fireproof storage accom-



modations within the District of Columbia for their respective departments, at rates per square foot of available floor space not exceeding 25 cents, payable from appropriations that Congress may from time to time make for rent of buildings for their respective departments. (Mar. 2, 1913, ch. 93, 37 Stat. 718.)

**§ 59. Water in public buildings; shutting off.**—All officers in charge of public buildings in the District of Columbia shall cause the flow of water in the buildings under their charge to be shut off from five o'clock post meridian to eight o'clock ante meridian: *Provided*, That the water in said public buildings is not necessarily in use for public business. (Mar. 3, 1883, ch. 143, 22 Stat. 615.)

**§ 68. Buildings on reservations, parks, or public grounds.**—There shall not be erected on any reservation, park, or public grounds of the United States within the District of Columbia, any building or structure without express authority of Congress. (Aug. 24, 1912, ch. 355, § 1, 37 Stat. 444.)

**§ 71. Park and playground system; National Capital Park and Planning Commission**—(a) **Establishment of commission; composition; term; compensation and expenses; executive and disbursing officer.**—To develop a comprehensive, consistent, and coordinated plan for the National Capital and its environs in the States of Maryland and Virginia, to preserve the flow of water in Rock Creek, to prevent pollution of Rock Creek and the Potomac and Anacostia Rivers, to preserve forests and natural scenery in and about Washington, and to provide for the comprehensive, systematic, and continuous development of park, parkway, and playground systems of the National Capital and its environs, there is hereby constituted a commission to be known as the National Capital Park and Planning Commission, composed of the Chief of Engineers of the Army, the Engineer Commissioner of the District of Columbia, the Director of the National Park Service, the Chief of the Forest Service, the chairmen of the Committees on the District of Columbia of the Senate and House of Representatives, and four eminent citizens well qualified and experienced in city planning, one of whom shall be a bona fide resident of the District of Columbia, to be appointed for the term of six years by the President of the United States: *Provided*, That the first members appointed under this section shall continue in office for terms of three, four, five, and six years, respectively, from April 30, 1926, the terms of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. All members of the said commission shall serve without compensation therefor, but each shall be paid actual expenses of travel when attending meetings of said commission or engaged in investigations pertaining to its activities, and an allowance of \$8 per day in lieu of subsistence during such travel and services. At the close of each Congress the presiding officer of the Senate and the Speaker



of the House of Representatives shall appoint, respectively, a Senator and a Representative elect to the succeeding Congress to serve as members of this commission until the chairmen of the committees of the succeeding Congress shall be chosen. The Director of the National Park Service shall be executive and disbursing officer of said commission.

**(b) Duties; employment of personal services and experts.**—The said commission is hereby charged with the duty of preparing, developing, and maintaining a comprehensive, consistent, and coordinated plan for the National Capital and its environs, which plan shall include recommendations to the proper executive authorities as to traffic and transportation; plats and subdivisions; highways, parks, and parkways; school and library sites; playgrounds; drainage, sewerage, and water supply; housing, building, and zoning regulations; public and private buildings; bridges and water fronts; commerce and industry; and other proper elements of city and regional planning. It is the purpose of this section to obtain the maximum amount of cooperation and correlation of effort between the departments, bureaus, and commissions of the Federal and District Governments. To this end plans and records, or copies thereof, shall be made available to the National Capital Park and Planning Commission, when requested. The commission may, as to the environs of the District of Columbia, act in conjunction and cooperation with such representatives of the States of Maryland and Virginia as may be designated by such States for this purpose. The said commission is hereby authorized to employ the necessary personal services, including the personal services of a director of planning and other expert city planners, such as engineers, architects, and landscape architects. Such technical experts may be employed at per diem rates not in excess of those paid for similar services elsewhere and as may be fixed by the said commission without regard to the provisions of sections 661-663, 664-673, and 674 of Title 5, or any rule of regulation made in pursuance thereof. (June 6, 1924, ch. 270, § 1, 43 Stat. 463; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Apr. 30, 1926, ch. 198, 44 Stat. 374; May 24, 1928, ch. 726, 45 Stat. 726; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.)

**§ 89. Same; temporary occupancy by Department of Agriculture.**—The Director of the National Park Service is authorized to grant permission to the Department of Agriculture for the temporary occupation of such area or areas of Potomac Park, not exceeding a total of seventy-five acres in extent, as may not be needed in any one season for the reclamation or park improvement, the said areas to be used by the Department of Agriculture as testing grounds: *Provided*, That nothing herein contained shall be construed to change the essential character of the lands so used, which lands shall continue to be a public park, as provided in section 86 of this title: *And provided further*, That said area or areas shall be vacated by the Department of Agriculture at the close of any season upon the request of the said director: *And provided further*, That the entire park shall



remain under the charge of the said director. (Mar. , 1899, ch. 458, § 2, 30 Stat. 1378; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.)

**§ 101. Laws of District extended to public buildings and grounds.**—The provisions of the several laws and regulations within the District of Columbia for the protection of public or private property and the preservation of peace and order are extended to all public buildings and public grounds belonging to the United States within the District of Columbia. Any person guilty of disorderly and unlawful conduct in or about the same, or who shall willfully injure the buildings or shubs, or shall pull down, impair, or otherwise injure any fence, wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge, or shall remove any stone, gravel, sand, or other property of the United States, or any other part of the public grounds or lots belonging to the United States in the District of Columbia, shall, upon conviction thereof, be fined not more than \$50. (July 29, 1892, ch. 320, § 15, 27 Stat. 325.)

**§ 119. Use of fuel trucks to haul sand, gravel, stone, etc.**—The Secretary of the Treasury may have sand, gravel, stone, and other material hauled for the municipal government of the District of Columbia and for branches of the Federal service in the District of Columbia, whenever it may be practicable and economical to have such work performed by using trucks of the Government fuel yards not needed at the time for the hauling of fuel. Payment for such work shall be made on the basis of the actual cost to the Government fuel yards. (June 5, 1920, ch. 235, § 1, 41 Stat. 913; Ex. Ord. No. 4239, eff. July 1, 1925; Ex. Ord. No. 6166, § 1, June 10, 1933.)

#### PUBLIC BUILDINGS AND WORKS GENERALLY

**§ 255. Title to land to be purchased by United States; acquisition by United States of jurisdiction over lands.**—No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title.

Notwithstanding the provisions of this or any other law, whenever the average value of any lands or interests in land to be acquired by or on behalf of the United States under a single option or contract of sale does not exceed \$10 per acre (hereinafter referred to as "low-value lands"), the title may be accepted subject to such infirmities as, in the opinion of the Attorney General, may, without jeopardizing the interests of the United States, be left for removal by condemnation or other appropriate proceedings, if and when necessary: *Provided*, That the total value of any lands or interests to be acquired under a single option or contract of sale subject to an infirmity does not exceed \$3,500. No public money shall hereafter be expended for the acquisition of such low-value lands or interests in land



by or on behalf of the United States for any purpose until the written opinion of the Attorney General has been had approving the title subject, if expedient, to infirmities as herein provided. However, no money in excess of \$2,500 shall be expended for the construction of buildings, works, or other improvements (except roads, trails, and fire-protection improvements) on any site, tract, or parcel of land the title to which is subject to infirmities, until the written opinion of the Attorney General in favor of the validity of the title has been had as in the case of other lands. For the purpose of this section, values of lands and interests in land shall be determined by the consideration paid or to be paid.

The Attorney General is hereby authorized to approve the title to easements or rights-of-way to be acquired by or on behalf of the United States, subject to such infirmities as, in his opinion, will not jeopardize the interests of the United States.

Nothing in this section shall be construed to limit the authority now or hereafter delegated to any officer in exercising the power of eminent domain for or on behalf of the United States, to take title to or possession of or to expend money for or upon any land or interest in land, or to expend money as security for an ultimate award in advance of final judgment in any proceedings to determine just compensation; nor shall this section be construed to preclude any acquiring agency from expending money for the erection of any preliminary and temporary structure upon any land.

The head or other authorized officer of any department, independent establishment, or agency, shall procure any evidence of title which the Attorney General may deem necessary, and the expenses of procurement, except where otherwise authorized by law or provided by contract, may be paid out of the appropriations for the acquisition of land or out of the appropriations made for the contingencies of the acquiring department, independent establishment, or agency.

The Attorney General may, in his discretion, base any opinion as to title required either by this section or any other law upon either or both of the following: Certificates of title of title companies or such evidence of title as he may deem satisfactory.

The foregoing provisions of this section shall not be construed to affect in any manner any existing provisions of law which are applicable to the acquisition of lands or interests in land by the Tennessee Valley Authority; and nothing in this section shall be construed to affect in any manner any authority which the Secretary of War, the Chief of Engineers, or the Secretary of the Interior have under the provisions of law in force on October 9, 1940, with respect to the approval by them of title to land or interests in land acquired by the War Department or the Department of Interior, as the case may be. Nor shall the foregoing provisions of this section, or the provisions of any other law, be construed to require any opinion of the Attorney General in connection with the acquisition or improvement of easements and rights-of-way for military or naval purposes; or for the acquisition or improvement of easements



and rights-of-way by the Department of Agriculture for forest and other conservation purposes where the cost of any such easement or right-of-way acquired under a single instrument of conveyance and the cost of any improvement thereon does not exceed \$2,500; and the Attorney General may, in his discretion, waive the requirement for his opinion in connection with the acquisition or improvement of easements and rights-of-way for other purposes when, in his opinion, such waiver will not jeopardize the interests of the United States.

Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United State has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted. (R. S. § 355; June 28, 1930, ch. 710, 46 Stat. 828; Feb. 1, 1940, ch. 18, 54 Stat. 19; Oct. 9, 1940, ch. 793, 54 Stat. 1083.)

#### DERIVATION

Res. Sept. 11, 1841, No. 6, 5 Stat. 468.

#### CROSS REFERENCE

Acquisition of land and interests for purposes of Farm Tenant Act without regard to this section, see section 1015 (f) of Title 7, Agriculture.

**§ 256. Legal services by district attorneys; abstracts of title.**—All legal services connected with the procurement of titles to site for public buildings, other than for life-saving stations and pierhead lights, shall be rendered by United States district attorneys: *Provided*, That in the procurement of sites for such public buildings, it shall be the duty of the Attorney General to require of the grantors in each case to furnish, free of all expenses to the Government, all requisite abstracts, official certifications and evidences of title that the Attorney General may deem necessary. (Mar. 2, 1899, ch. 411, § 1, 25 Stat. 941.)

**§ 257. Condemnation of realty for sites and other uses; jurisdiction.**—In every case in which the Secretary of the Treasury or any other officer of the Government has been or shall be, authorized to procure real estate for the erection of a public building or for other public uses he shall be authorized to acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous



to the Government to do so. And the United States district courts of the district wherein such real estate is located, shall have jurisdiction of proceedings for such condemnation, and it shall be the duty of the Attorney General of the United States, upon every application of the Secretary of the Treasury, under this section and section 258 of this title, or such other officer, to cause proceedings to be commenced for condemnation, within thirty days from the receipt of the application at the Department of Justice. (Aug. 1, 1888, ch. 728, § 1, 25 Stat. 357; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

§ 258. **Same; procedure.**—The practice, pleadings, forms and modes of proceedings in causes arising under the provisions of section 257 of this title shall conform, as near as may be, to the practice, pleadings, forms and proceedings existing at the time in like causes in the courts of record of the State within which such district court is held, any rule of the court to the contrary notwithstanding. (Aug. 1, 1888, ch. 728, § 2, 25 Stat. 357; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

§ 258a. **Same; lands, easements, or rights-of-way for public use; taking of possession and title in advance of final judgment; authority; procedure.**—In any proceeding in any court of the United State outside of the District of Columbia which has been or may be instituted by and in the name of and under the authority of the United States for the acquisition of any land or easement or right of way in land for the public use, the petitioner may file in the cause, with the petition or at any time before judgment, a declaration of taking signed by the authority empowered by law to acquire the lands described in the petition, declaring that said lands are thereby taken for the use of the United States. Said declaration of taking shall contain or have annexed thereto—

(1) A statement of the authority under which and the public use for which said lands are taken.

(2) A description of the lands taken sufficient for the identification thereof.

(3) A statement of the estate or interest in said lands taken for said public use.

(4) A plan showing the lands taken.

(5) A statement of the sum of money estimated by said acquiring authority to be just compensation for the land taken.

Upon the filing said declaration of taking and of the deposit in the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in said declaration, title to the said lands in fee simple absolute, or such less estate or interest therein as is specified in said declaration, shall vest in the United States of America, and said lands shall be deemed to be condemned and taken for the use of the United States, and the right to just compensation for the same shall vest in the persons entitled thereto; and said compensation shall be ascertained and awarded in said proceeding and established by judgment therein, and the said judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per centum per annum on the amount finally awarded as the value of the



property as of the date of taking, from said date to the date of payment; but interest shall not be allowed on so much thereof as shall have been paid into the court. No sum so paid in the court shall be charged with commissioners or poundage.

Upon the application of the parties in interest, the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded in respect of said lands, or any parcel thereof, shall exceed the amount of the money so received by any person entitled, the court shall enter judgment against the United States for the amount of the deficiency.

Upon the filing of a declaration of taking, the court shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner. The court shall have power to make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable. (Feb. 26, 1931, ch. 307, § 1, 46 Stat. 1421.)

§ 258b. Same; taking in advance of final judgment; appeal or giving bond as preventing or delaying vesting of title.—No appeal in any cause under section 258 of this title nor any bond or undertaking given therein shall operate to prevent or delay the vesting of title to such lands in the United States. (Feb. 26, 1931, ch. 307, § 2, 46 Stat. 1422.)

§ 258c. Same; taking in advance of final judgment; obligation of United States to pay ultimate award when fixed.—Action under section 258a of this title irrevocably committing the United States to the payment of the ultimate award shall not be taken unless the chief of the executive department or agency or bureau of the Government empowered to acquire the land shall be of the opinion that the ultimate award probably will be within any limits prescribed by Congress on the price to be paid. (Feb. 26, 1931, ch. 307, § 3, 46 Stat. 1422.)

§ 258d. Same; taking in advance of final judgment; right as additional to existing rights, powers, and authority.—The right to take possession and title in advance of final judgment in condemnation proceedings as provided by section 258a of this title shall be in addition to any right, power, or authority conferred by the laws of the United States or those of any State or Territory under which such proceedings may be conducted, and shall not be construed as abrogating, limiting, or modifying any such right, power, or authority. (Feb. 26, 1931, ch. 307 § 4, 46 Stat. 1422.)

§ 258e. Same; taking in advance of final judgment; demolition of buildings thereon; erection of public buildings or works; funds available for purpose; application of section 255.—In any case in which the United States has taken or may take possession of any real property during the course of condemnation proceedings and in advance of final judgment therein and the United States has become irrevocably committed to pay the amount ultimately to be awarded as compensation, it shall be lawful to



expend moneys duly appropriated for that purpose in demolishing existing structures on said land and in erecting public buildings or public works thereon, notwithstanding the provisions of section 255 of this title: *Provided*, That in the opinion of the Attorney General, the title has been vested in the United States or all persons having an interest therein have been made parties to such proceeding and will be bound by the final judgment therein. (Feb. 26, 1931, ch. 307, § 5, 46 Stat. 1422.)

§ 258f. **Same; exclusive of certain property by stipulation of Attorney General.**—In any condemnation proceeding instituted by or on behalf of the United States, the Attorney General is authorized to stipulate or agree in behalf of the United States to exclude any property or any part thereof, or any interest therein, that may have been or may be, taken by or on behalf of the United States by declaration of taking or otherwise. (Oct. 21, 1942, ch. 618, 56 Stat. 797.)

§ 259. **Payment for sites; limit of cost.**—No money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor. (R. S. § 3734; June 25, 1910, ch. 383, § 33, 36 Stat. 699.)

#### DERIVATION

Act July 15, 1870, ch. 292, 16 Stat. 296.

§ 260. **Commissions on purchases of sites; payment for sites.**—Commissions shall not be paid for disbursements on account of sites for public buildings; and payments for sites for public buildings under the control of the Treasury Department shall be made by the Treasury Department, at Washington, District of Columbia, by drafts or checks payable to the grantors of such sites or their legal representatives. (Mar. 2, 1899, ch. 411, § 1, 25 Stat. 941.)

§ 265. **Construction, etc., by Federal Works Agency of buildings for other executive departments or establishments.**—The Federal Works Administrator may, in his discretion, upon the request of the head of any other executive department, independent establishment, or other Federal agency, cause the Public Buildings Administration to carry out the construction of any building or buildings for governmental purposes which any such executive department, establishment, or agency may be authorized to have constructed, including the preparation of plans, drawings, designs, specifications, and estimates, the acquisition of land necessary for sites, the execution of contracts, and supervision of construction: *Provided*, That funds appropriated to other executive departments, independent establishments, or other Federal agencies for the foregoing purposes shall be available for transfer to and expenditure by the Public Buildings Administration in whole or in part, either in reimbursement of the proper appropriations of the Public Buildings Administration, for the cost of such work, or as advances to special accounts for the purpose of providing for the prosecution of said work. (June 25, 1910, ch. 383, § 35, 36 Stat. 699; June 15, 1938, ch. 382, 52 Stat. 683; Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 Fed. Reg. 2729, 53 Stat. 1427.)



**§ 265a. Availability of funds for payment of salaries, etc., in connection with construction projects.**—In the prosecution of construction projects or planning programs assigned to the Public Buildings Administration for which funds are provided by direct appropriation or transferred under authority contained in section 35 of the Act of June 15, 1938 (40 U. S. C.), an amount administratively determined as necessary for the payment of salaries and expenses of personnel engaged upon the preparation of plans and specifications, field supervision, and general office expense, may be transferred and consolidated on the books of the Treasury Department into a special account for direct expenditure in the prosecution of said work, such expenditures to be subsequently allocated and reported upon by projects in accordance with procedures prescribed by the General Accounting Office. (June 26, 1943, ch. 145, title I, § 1, 57 Stat. 178; June 27, 1944, ch. 286, title I, § 1, 58 Stat. 369.)

**§ 270a. Bonds of contractors for public buildings or works; waiver of bonds covering contract performed in foreign country.**—(a) Before any contract, exceeding \$2,000 in amount, for the construction, alteration, or repair of any public building or public work of the United States is awarded to any person, such person shall furnish to the United States the following bonds, which shall become binding upon the award of the contract to such person, who is hereinafter designated as “contractor”:

(1) A performance bond with a surety or sureties satisfactory to the officer awarding such contract, and in such amount as he shall deem adequate, for the protection of the United States.

(2) A payment bond with a surety or sureties satisfactory to such officer for the protection of all persons supplying labor and material in the prosecution of the work provided for in said contract for the use of each such person. Whenever the total amount payable by the terms of the contract shall be not more than \$1,000,000 the said payment bond shall be in a sum of one-half the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$1,000,000 and not more than \$5,000,000, the said payment bond shall be in a sum of 40 per centum of the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$5,000,000 the said payment bond shall be in the sum of \$2,500,000.

(b) The contracting officer in respect of any contract is authorized to waive the requirement of a performance bond and payment bond for so much of the work under such contract as is to be performed in a foreign country if he finds that it is impracticable for the contractor to furnish such bonds.

(c) Nothing in this section shall be construed to limit the authority of any contracting officer to require a performance bond or other security in addition to those, or in cases other than the cases specified in subsection (a) of this section. (Aug. 24, 1935, ch. 642, § 1, 49 Stat. 793.)

#### EFFECTIVE DATE

Section 5 of act August 24, 1935, cited to text, provides that the act “shall take effect upon the expiration of sixty days after the date of its



enactment, but shall not apply to any contract awarded pursuant to any invitation for bids issued on or before the date it takes effect, or to any persons or bonds in respect of any such contract."

**§ 270b. Same; rights of persons furnishing labor or material.—**

(a) Every person who has furnished labor or material in the prosecution of the work provided for in such contract, in respect of which a payment bond is furnished under section 270a of this title and who has not been paid in full therefor before the expiration of a period of ninety days after the day on which the last of the labor was done or performed by him or material was furnished or supplied by him for which such claim is made, shall have the right to sue on such payment bond for the amount, or the balance thereof, unpaid at the time of institution of such suit and to prosecute said action to final execution and judgment for the sum or sums justly due him: *Provided, however,* That any person having direct contractual relationship with a subcontractor but no contractual relationship express or implied with the contractor furnishing said payment bond shall have a right of action upon the said payment bond upon giving written notice to said contractor within ninety days from the date on which such person did or performed the last of the labor or furnished or supplied the last of the material for which such claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. Such notice shall be served by mailing the same by registered mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts his business, or his residence, or in any manner in which the United States marshal of the district in which the public improvement is situated is authorized by law to serve summons.

(b) Every suit instituted under this section shall be brought in the name of the United States for the use of the person suing, in the United States District Court for any district in which the contract was to be performed and executed and not elsewhere, irrespective of the amount in controversy in such suit, but no such suit shall be commenced after the expiration of one year after the date of final settlement of such contract. The United States shall not be liable for the payment of any costs or expenses of any such suit. (Aug. 24, 1935, ch. 642, § 2, 49 Stat. 794.)

**EFFECTIVE DATE**

Section 5 of act August 24, 1935, cited to the text, provides that the act "shall take effect upon the expiration of sixty days after the date of its enactment, but shall not apply to any contract awarded pursuant to any invitation for bids issued on or before the date it takes effect, or to any persons or bonds in respect of any such contract."

**§ 270c. Same; right of person furnishing labor or material to copy of bond.—**The Comptroller General is authorized and directed to furnish, to any person making application therefor who submits an affidavit that he has supplied labor or materials for such work and payment thereof has not been made or that he is being sued on such bond, a certified copy of such bond and the contract for which it was given, which copy shall be prima



facie evidence of the contents, execution, and delivery of the original, and, in case final settlement of such contract has been made, a certified statement of the date of such settlement, which shall be conclusive as to such date upon the parties. Applicants shall pay for such certified copies and certified statements such fees as the Comptroller General fixes to cover the cost of preparation thereof. (Aug. 24, 1935, ch. 642, § 3, 49 Stat. 794.)

#### EFFECTIVE DATE

Section 5 of act August 24, 1935, cited to the text, provides that the act "shall take effect upon the expiration of sixty days after the date of its enactment, but shall not apply to any contract awarded pursuant to any invitation for bids issued on or before the date it takes effect, or to any persons or bonds in respect of any such contract."

**§ 270d. Same; definition of "person" in sections 270a, 270b and 270c.**—The term "person" and the masculine pronoun as used in sections 270a, 270b and 270c of this title shall include all persons whether individuals, associations, copartnerships, or corporations. (Aug. 24, 1935, ch. 642, § 4, 49 Stat. 794)

#### EFFECTIVE DATE

Section 5 of act August 24, 1935, cited to the text, provides that the act "shall take effect upon the expiration of sixty days after the date of its enactment, but shall not apply to any contract awarded pursuant to any invitation for bids issued on or before the date it takes effect, or to any persons or bonds in respect of any such contract."

**§ 276a. Rate of wages for laborers and mechanics.**—The advertised specifications for every contract in excess of \$2,000, to which the United States or the District of Columbia is a party, for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union, the Territory of Alaska, the Territory of Hawaii, or the District of Columbia, and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, village, or other civil subdivision of the State, or the Territory of Alaska, or the Territory of Hawaii in which the work is to be performed, or in the District of Columbia if the work is to be performed there; and every contract based upon these specifications shall contain a stipulation that the contractor or his subcontractor shall pay all mechanics and laborers employed directly upon the site of the work, unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those stated in the advertised specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics, and that the scale of wages to be paid shall be posted by the contractor in a prominent and easily accessible place at



the site of the work; and the further stipulation that there may be withheld from the contractor so much of accrued payments as may be considered necessary by the contracting officer to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by such laborers and mechanics and not refunded to the contractor, subcontractors, or their agents. (Mar. 3, 1931, ch. 411, § 1, 46 Stat. 1494; Aug. 30, 1935, ch. 825, 49 Stat. 1011; June 15, 1940, ch. 373, § 1, 54 Stat. 399.)

#### EFFECTIVE DATE

Section 2 of act June 15, 1940, cited to text, provided: "The amendments made by this act shall take effect on the thirtieth day after the date of enactment of this act, but shall not affect any contract in existence on such effective date or made thereafter pursuant to invitations for bids outstanding on the date of enactment of this act."

**§ 276a-1. Termination of work on failure to pay agreed wages; completion of work by Government.**—Every contract within the scope of sections 276a to 276a-6 of this title shall contain the further provision that in the event it is found by the contracting officer that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as aforesaid, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and to prosecute the work to completion by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby. Mar. 3, 1931, ch. 411, § 2, as added Aug. 30, 1935, ch. 825, 49 Stat. 1011.)

**§ 276a-2. Payment of wages by Comptroller General from withheld payments; listing contractors violating contracts.**—(a) The Comptroller General of the United States is hereby authorized and directed to pay directly to laborers and mechanics from any accrued payments withheld under the terms of the contract any wages found to be due laborers and mechanics pursuant to sections 276a to 276a-6 of this title; and the Comptroller General of the United States is further authorized and is directed to distribute a list to all departments of the Government giving the names of persons or firms whom he has found to have disregarded their obligations to employees and subcontractors. No contract shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such person or firms have an interest until three years have elapsed from the date of publication of the list containing the names of such persons or firms.

(b) If the accrued payments withheld under the terms of the contract, as aforesaid, are insufficient to reimburse all the laborers and mechanics, with respect to whom there has been a failure to pay the wages required pursuant to sections 276a to 276a-6 of this title, such laborers and mechanics shall have the



right of action and/or of intervention against the contractor and his sureties conferred by law upon persons furnishing labor or materials, and in such proceedings it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds. (Mar. 3, 1931, ch. 411, § 3, as added Aug. 30, 1935, ch. 825, 49 Stat. 1011.)

**§ 276a-3. Effect on other Federal laws.**—Sections 276a to 276a-6 of this title shall not be construed to supersede or impair any authority otherwise granted by Federal law to provide for the establishment of specific wage rates. (Mar. 3, 1931, ch. 411, § 4, as added Aug. 30, 1935, ch. 825, 49 Stat. 1011.)

**§ 276a. Effective date of sections 276a to 276a-6.**—Sections 276a to 276a-6 of this title shall take effect thirty days after August 30, 1935, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding on August 30, 1935. (Mar. 3, 1931, ch. 411, § 5, as added Aug. 30, 1935, ch. 825, 49 Stat. 1011.)

**§ 276a-5. Suspension of sections 276a to 276a-6 during emergency.**—In the event of a national emergency the President is authorized to suspend the provisions of sections 276a to 276a-6 of this title. (Mar. 3, 1931, ch. 411, § 6, as added Aug. 30, 1935, ch. 825, 49 Stat. 1011.)

#### STABILIZATION OF WAGES AND SALARIES

Executive order stabilizing wages and salaries as inapplicable to this section, see title VI, par. 1 of Ex. Ord. No. 9250 set out in note under section 901 of Appendix to Title 50, War.

**§ 276a-7. Application of sections 276a to 276a-6 to contracts entered into without regard to section 5 of Title 41.**—The fact that any contract authorized by any Act is entered into without regard to section 5 of Title 41, or upon a cost-plus-a-fixed fee basis or otherwise without advertising for proposals, shall not be construed to render inapplicable the provisions of sections 276a to 276a-6 of this title, if such Act would otherwise be applicable to such contract. (Mar. 23, 1941, 12 noon, ch. 26, 55 Stat. 49; Aug. 21, 1941, ch. 395, 55 Stat. 658.)

**§ 276b. Extortion from persons employed in construction of buildings or works financed by United States; penalty.**—Whoever shall induce any person employed in the construction, prosecution, or completion of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, or in the repair thereof to give up any part of the compensation to which he is entitled under his contract of employment, by force, intimidation, threat of procuring dismissal from such employment, or by any other manner whatsoever, shall be fined not more than \$5,000, or imprisoned not more than five years, or both. (June 13, 1934, ch. 482, § 1, 48 Stat. 948.)

**§ 276c. Same; regulations governing contractors and subcontractors.**—To aid in the enforcement of section 276b of this title,



the Secretary of Labor shall make reasonable regulations for contractors or subcontractors on any such building or work, including a provision that each contractor and subcontractor shall furnish weekly a sworn affidavit with respect to the wages paid each employee during the preceding week. (June 13, 1934, ch. 482, § 2, 48 Stat. 948; Reorg. Plan No. IV, § 9, eff. June 30, 1940, 5 Fed. Reg. 2421, 54 Stat. 1236.)

**§ 278a. Lease of buildings to Government; maximum rental.**—After June 30, 1932, no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: *Provided*, That the provisions of this section shall not apply to leases made prior to June 30, 1932, except when renewals thereof are made after such date, nor to leases of premises in foreign countries for the foreign services of the United States: *Provided further*, That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed \$2,000 per annum. (June 30, 1932, ch. 314, § 322, 47 Stat. 412; Mar. 3, 1933, ch. 212, title II, § 15, 47 Stat. 1517.)

**§ 283. Furniture for new buildings.**—The furniture for all new public buildings shall be procured in accordance with plans and specifications approved by the Public Buildings Administration. (May 27, 1908, ch. 200, § 1, 35 Stat. 327; Ex. Ord. No. 6166, § 1, June 10, 1933; Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 Fed. Reg. 2729, 53 Stat. 1426, 1427.)

**§ 284. Old furniture to be used.**—All furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether or not it corresponds with the present regulation plan of furniture. (Mar. 25, 1940, ch. 71, title II, 54 Stat. 77.)

**§ 285. Buildings under control of Secretary of Treasury.**—All courthouses, customhouses, appraiser's stores, barge offices, and other public buildings outside of the District of Columbia and outside of military reservations which have been purchased or erected, or are in course of construction, or which may be erected or purchased out of any appropriation under the control of the Federal Works Agency, together with the site or sites thereof, are expressly declared to be under the exclusive jurisdiction and control and in the custody of the Federal Works Administrator, who shall have full power to take possession of and assign and reassign rooms therein to such Federal officials, clerks, and employees as in his judgment and discretion should be furnished with offices or rooms therein. (July 1, 1898, ch. 546, § 1, 30 Stat. 614; May 29, 1920, ch. 214, § 1, 41 Stat. 654; Ex. Ord. No. 6166, § 1, June 10, 1933; Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 Fed. Reg. 2729, 53 Stat. 1426, 1427.)



**§ 286. Buildings not to be draped in mourning.**—No building owned, or used for public purposes, by the Government of the United States, shall be draped in mourning and no part of the public fund shall be used for such purpose. (Mar. 3, 1893, ch. 211, § 3, 27 Stat. 715.)

**§ 289. Buildings for departments; control of space; compensation.**—The control of assignment of space in the buildings authorized by the Act of February 27, 1929, chapter 354, section 5, 45 Statutes 1342, shall be vested in the Public Buildings Administration, Federal Works Agency. Compensation for such occupancy, space, and facilities as are utilized by the Commissioners of the District of Columbia shall be on a rental basis on terms to be fixed by a board consisting of the Federal Works Administrator and the engineer commissioner of the District of Columbia. (Feb. 27, 1929, ch. 354, § 6, 45 Stat. 1343; Ex. Ord. No. 6166, §§ 1, 2, June 10, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389; Reorg. Plan No. I, §§ 301, 303, July 1, 1939, 4 Fed. Reg. 2729, 53 Stat. 1426, 1427.)

**§ 290. State workmen's compensation laws; extension to buildings and works of United States.**—Whatsoever constituted authority of each of the several States is charged with the enforcement of and requiring compliances with the State workmen's compensation laws of said States and with the enforcement of and requiring compliance with the orders, decisions, and awards of said constituted authority of said States shall have the power and authority to apply such laws to all lands and premises owned or held by the United States of America by deed or act of cession, by purchase or otherwise, which is within the exterior boundaries of any State and to all projects, buildings, constructions, improvements, and property belonging to the United States of America, which is within the exterior boundaries of any State in the same way and to the same extent as if said premises were under the exclusive jurisdiction of the State within whose exterior boundaries such place may be.

For the purposes set out in this section, the United States of America hereby vests in the several States within whose exterior boundaries such place may be, insofar as the enforcement of State workmen's compensation laws are affected, the right, power, and authority aforesaid: *Provided, however,* That by the passage of this section the United States of America in nowise relinquishes its jurisdiction for any purpose over the property named, with the exception of extending to the several States within whose exterior boundaries such place may be only the powers above enumerated relating to the enforcement of their State workmen's compensation laws as herein designated: *Provided further,* That nothing in this section shall be construed to modify or amend sections 751-796 of Title 5. (June 25, 1936, ch. 822, §§ 1, 2, 49 Stat. 1938, 1939.)

**§ 291. Admission of guide dogs accompanied by blind masters.**—Seeing-eye dogs or other guide dogs, specially trained and educated for that purpose, accompanied by their blind masters, shall be admitted to any building or other property owned or controlled by the United States, upon the same terms and conditions, and



subject to the same regulations as generally govern the admission of the public to such property: *Provided*, That such dogs shall not be permitted to run free or roam in or on such property, and shall be in guiding harness or on leash and under the control of their blind masters at all times while in or on such property. The head of each department or other agency of the United States may make such rules and regulations as he deems necessary in the public interest to carry out the provisions of this section in its application to any such building or other property subject to his jurisdiction. (Dec. 10, 1941, ch. 563, 55 Stat. 796.)

### THE PUBLIC PROPERTY

**§ 301. Charge of property transferred to the United States.**—The General Counsel for the Department of the Treasury shall have charge of all lands and other property which have been or may be assigned, set off, or conveyed to the United States in payment of debts, and of all trusts created for the use of the United States in payment of debts due them: *Provided*, That this section shall not apply to real estate which has been or shall be assigned, set off, or conveyed to the United States, in payment of debts arising under the internal-revenue laws, nor to trusts created for the use of the United States, in payment of such debts due them. (R. S. §§ 3749, 3750; May 10, 1934, 11:40 a. m., ch. 277, § 512 (b), (c), 48 Stat. 759.)

#### DERIVATION

R. S. § 3749 from act Mar. 3, 1863, ch. 76, § 9, 12 Stat. 740.

R. S. § 3750 from acts May 29, 1830, ch. 153, § 1, 4 Stat. 414; Mar. 2, 1867, ch. 169, § 4, 14 Stat. 472.

**§ 303b. Lease of buildings by Government; money consideration.**—Except as otherwise specifically provided by law, the leasing of buildings and properties of the United States shall be for a money consideration only, and there shall not be included in the lease any provision for the alteration, repair, or improvement of such buildings or properties as a part of the consideration for the rental to be paid for the use and occupation of the same. The moneys derived from such rentals shall be deposited and covered into the Treasury as miscellaneous receipts. (June 30, 1932, ch. 314 § 321, 47 Stat. 412.)

**§ 304a. Disposition of surplus real property; assignment to governmental agency; lease; sale.**—Notwithstanding any other provisions of law, whenever any real property located outside of the District of Columbia, exclusive of military or naval reservations, heretofore or hereafter acquired by any Federal agency, by judicial process or otherwise in the collection of debts, purchase, donation, condemnation, devise, forfeiture, lease, or in any other manner, is, in whole or in part, declared to be in excess of its needs by the Federal agency having control thereof, or by the President on recommendation of the Federal Works Administrator, the Commissioner of Public Buildings, with the approval of the Federal Works Administrator, is authorized (a) to assign or reassign to any Federal agency or agencies space therein: *Provided*, That if the Federal agency to which space is assigned does



not desire to occupy the space so assigned to it, the decision of the Commissioner of Public Buildings shall be subject to review by the President; or (b) pending a sale, to lease such real property on such terms and for such period not in excess of five years as he may deem in the public interest; or (c) to sell the same at public sale to the highest responsible bidder upon such terms and after such public advertisement as he may deem in the public interest: *Provided, further*, That if no bids which are satisfactory as to price and responsibility of bidder are received as a result of such public advertisement, the Commissioner of Public Buildings, with the approval of the Federal Works Administrator, is authorized to sell such property by negotiation, upon such terms as may be deemed to be to the best interest of the Government, but at a price not less than that bid by the highest responsible bidder. (Aug. 27, 1935, ch. 744, § 1, 49 Stat. 885; July 18, 1940, ch. 635, §§ 1, 3, 54 Stat. 764, 765.)

§ 304a-1. **Same; expenses of sale; maintenance.**—There are hereby authorized to be appropriated such amounts as may be necessary to cover the costs incident to the sale or lease of real property, or demolition of buildings thereon as hereinafter authorized, which have been or may hereafter be declared surplus to the needs of any Federal agency in accordance with the provisions of sections 304a-304e of this title, and the care, maintenance, and protection thereof, including, but not limited to pay of employees, travel of Government employees, brokers' fees not in excess of rates paid for similar services in the community where the property is situated, appraisals, photographs, surveys, evidence of title and perfecting of defective titles, advertising, and telephone and telegraph charges: *Provided, however*, That a Federal agency shall remain responsible for the proper care, maintenance, and protection of the aforesaid property, notwithstanding any declaration that the same is in excess of its needs until such time as custody is assumed by the Federal Works Agency or other disposition is made thereof. (Aug. 27, 1935, ch. 744, § 6, as added July 18, 1940, ch. 635, § 2, 54 Stat. 764.)

§ 304a-2. **Same; demolition; historic buildings.**—The Commissioner of Public Buildings, with the approval of the Federal Works Administrator, is authorized, upon their determination that such action will be to the best interest of the Government, to demolish any building declared surplus to the needs of the Government in accordance with the provisions of sections 304a-304e of this title: *Provided*, That before proceeding with the demolition of any building, the Commissioner of Public Buildings shall inform the Secretary of the Interior in writing of his intention to demolish it, and shall not proceed with the demolition until he shall have received written notice from the Secretary of the Interior that said building is not an historic building of national significance within the meaning of sections 461-467 of Title 16: *Provided, however*, That if the Secretary of the Interior shall fail to notify the Commissioner of Public Buildings of his determination as to whether such building is an historic building of national significance within ninety days of the receipt of the notice of intention to demolish, the Commissioner of Public



Buildings may proceed to demolish said building. (Aug. 27, 1935, ch. 744, § 7, as added July 18, 1940, ch. 635, § 2, 54 Stat. 764.)

**§ 304b. Alterations and repairs to real property assigned; payment by agency.**—Whenever after investigation it is determined by the Commissioner of Public Buildings that any such real property should be used for the accommodation of any Federal agency or agencies, the Commissioner of Public Buildings is authorized to make any repairs thereto or alterations thereof which he deems necessary or advisable and to maintain and operate the same. To the extent that the appropriations of the Public Buildings Administration not otherwise allocated are inadequate for such repairs, alterations, maintenance, or operation, the Commissioner of Public Buildings may require each Federal agency to which space has been assigned therein pursuant to the provisions of section 304a of this chapter to pay promptly by check to the Public Buildings Administration out of its appropriation for rent, either in advance of or upon or during occupancy of such space, all or part of the estimated or actual cost of such repairs, alterations, maintenance, and operation: *Provided*, That the total amount so to be paid shall be determined and equitably apportioned by the Commissioner of Public Buildings among the Federal agencies to whom space has been so assigned: *Provided further*, That the amount so charged against any Federal agency shall be computed at a rate not in excess of that paid as rent by such agency immediately preceding such assignment for space in lieu of which space is so assigned to it, and if it is less the difference shall be deposited in the Treasury as miscellaneous receipts: *And provided further*, That in the event such space is not assigned in lieu of existing space, the amount so charged shall be computed at a rate not in excess of that which the Commissioner of Public Buildings determines, with the approval of the Federal Works Administrator, would have been paid as rent for corresponding space during the current fiscal year, and if it is less the difference shall be deposited in the Treasury as miscellaneous receipts. If a Federal agency subject to this proviso disagrees with the amount the Commissioner of Public Buildings so determines would have been paid as rent, the determination of the Commissioner of Public Buildings shall be subject to review by the President. (Aug. 27, 1935, ch. 744, § 2, 49 Stat. 886; July 18, 1940, ch. 635, § 3, 54 Stat. 765.)

**§ 304c. Leasing additional space; assignment to agency; payment.**—The Commissioner of Public Buildings, with the approval of the Federal Works Administrator, is further authorized to procure space by lease, on such terms and for such period not in excess of five years as he may deem in the public interest, for the housing of any Federal agency or agencies outside of the District of Columbia, except the Post Office Department, and to assign and reassign space there in the same manner as is authorized with respect to surplus real property by section 304a of this title, and to require the Federal agencies to whom space is assigned therein to pay the total expenditures required under such lease during its entire term in the manner specified in section



304b of this chapter. (Aug. 27, 1935, ch. 744, § 3, 49 Stat. 886; July 18, 1940, ch. 635, § 3, 54 Stat. 765.)

§ 304d. Regulations under sections 304a-304c.—The Commissioner of Public Buildings, with the approval of the Federal Works Administrator, is authorized to make such regulations as may be necessary to carry out the provisions of sections 304a-304c of this title. (Aug. 27, 1935, ch. 744, § 4, 49 Stat. 886; July 18, 1940, ch. 635, § 3, 54 Stat. 765.)

§ 304e. "Federal agency" as used in sections 304a-304c defined.—The term "Federal agency", as used in sections 304a-304c, means any executive department, independent establishment, commission, board, bureau, division, or office in the executive branch, or other agency of the United States, including corporations wholly owned by the United States. (Aug. 27, 1935, ch. 744, § 5, 49 Stat. 886.)

§ 304f. Disposition of property abandoned or forfeited to United States; definitions of words used in sections 304g-304m.—As used in sections 304g-304m—

(1) "Property" means all personal property, including but not limited to vessels, vehicles, and aircraft;

(2) "Agency" includes any executive department, independent establishment, board, commission, bureau, service, or division of the United States, and any corporation in which the United States owns all or a majority of the stock.

(3) "Director" means the Director of the Procurement Division of the Treasury Department of the United States. (Aug. 27, 1935, ch. 740, § 301, 49 Stat. 879.)

§ 304g. Disposition of property voluntarily abandoned to United States.—In the event that any property is or has been voluntarily abandoned to any agency in such manner as to vest title thereto in the United States, it may be retained by such agency and devoted to official use only. If such agency shall not desire so to retain such property, the head thereof shall forthwith notify the Director to that effect, and the Director shall, within a reasonable time—

(a) order such agency to deliver the property to any other agency which requests and in his judgment should be given the property, or

(b) order disposal of the property as otherwise provided by law. (Aug. 27, 1935, ch. 740, § 302, 49 Stat. 879.)

§ 304h. Disposition of property forfeited to United States.—In the event that any property seized by any agency is or has been forfeited to the United States otherwise than by court decree, it may, in the event that the property is not ordered by competent authority to be returned to any claimant, and in lieu of being disposed of as otherwise provided by law (including advertisement for sale, and sale), be retained by such agency and devoted to official use only. If such agency shall not desire so to retain such property, the head thereof shall forthwith notify the Director to that effect, and such property shall—

(a) in the event that it is not ordered by competent authority to be returned to any claimant, and in lieu of being disposed of



as otherwise provided by law (including advertisement for sale, and sale), be delivered by such agency, upon order of the Director given within a reasonable time, to any other agency which requests and in the judgment of the Director should be given the property, or

(b) upon order of the Director given within a reasonable time, be disposed of as otherwise provided by law. (Aug. 27, 1935, ch. 740, § 303, 49 Stat. 879.)

**§ 304i. Disposition of property subject to pending court proceedings for forfeiture.**—In the event that proceedings are or have been commenced for the forfeiture of any property by court decree, the agency which seized such property shall forthwith notify the Director and may at the same time file with him a request for such property for its official use. The Director shall, before entry of a decree, apply to the court to order delivery of such property—

(a) to the agency filing such request; or

(b) if no such request has been filed, to any other agency which requests and in the judgment of the Director should be given such property; or

(c) if the agency which seized such property has not requested it, and no other agency has requested and in the judgment of the Director should be given such property, and if in the judgment of the Director the property may later become necessary to any agency for official use, to the seizing agency to be retained in its custody. Thereafter, the Director shall, within a reasonable time, order such agency to delivery the property to any other agency which requests and in his judgment shall be given such property, or to dispose of it as otherwise provided by law,

and if forfeiture thereof is decreed, the court shall, in the event that the property is not ordered by competent authority to be returned to any claimant, order delivery accordingly. All the property for which no such application is made shall be disposed of by the court in accordance with law. (Aug. 27, 1935, ch. 740, § 304, 49 Stat. 880.)

**§ 304j. Appropriation available for maintenance, etc., of abandoned and forfeited property, payment of liens and other charges.**—The appropriation available to any agency for the purchase, hire, operation, maintenance, and repair of property of any kind shall be available for the payment of expenses of operation maintenance, and repair of property of the same kind received by it under any provision of sections 304g-304i of this title for official use; for the payment of any lien recognized and allowed pursuant to law, and for the payment of all moneys found to be due any person upon the duly authorized remission or mitigation of any forfeiture; and for reimbursement of other agencies as hereafter provided. The costs of hauling, transporting, towing, and storage of such property shall be paid by the agency which has seized such property or to which it has been abandoned; and, if such property is later delivered to another agency for official use under sections 304g, 304h, or 304i of this



title, the latter shall make reimbursement for all such costs incurred prior to the date of delivery to it of such property. (Aug. 27, 1935, ch. 740, § 305, 49 Stat. 880.)

**§ 304k. Retention or delivery of abandoned or forfeited property deemed sale with respect to informer's fees and mitigation of forfeiture.**—Retention or delivery of forfeited or abandoned property under sections 304g-304i of this title shall be regarded as the sale thereof for the purpose of laws providing for informer's fees or remission or mitigation of any forfeiture. Any property so acquired when no longer needed for official use shall be disposed of in the same manner as other surplus property. (Aug. 27, 1935, ch. 740, § 306, 49 Stat. 880.)

**§ 304l. Reports by agencies concerning abandoned or forfeited property; rules and regulations.**—The Director is authorized with the approval of the Secretary of the Treasury, (1) to require any agency, from time to time, to make a report of all property abandoned to it or seized and the disposal thereof, and (2) to make such rules and regulations as may be necessary to carry out the provisions of sections 304f-304m of this title. (Aug. 27, 1935, ch. 740, § 307, 49 Stat. 880.)

**§ 304m. Effect on other laws; abandoned or forfeited property excluded from allocation.**—Nothing contained in sections 304f-304m of this title shall be construed as repealing any other laws relating to the disposition of forfeited or abandoned property, except such provisions of such laws as are directly in conflict with any provisions of sections 304f-304m of this title.

The following classes of property shall not be subject to allocation under sections 304g, 304h, or 304i of this title, but shall be disposed of in the manner otherwise provided by law:

- (1) arms or munitions of war included in section 241 of Title 22;
- (2) narcotic drugs, as defined in section 171 of Title 21;
- (3) firearms, as defined in section 2733 of Title 26; and
- (4) such other classes or kinds of property as the Director, with the approval of the Secretary of the Treasury, may deem in the public interest, and may by rules and regulations provide. (Aug. 27, 1935, ch. 740, § 308, 49 Stat. 880.)

**§ 311. Purchase of material and supplies from Government services.**—The heads of the several executive departments and other responsible officials, in expending appropriations contained in any Act, so far as possible shall purchase material, supplies, and equipment, when needed and funds are available, from other services of the Government possessing material, supplies, and equipment no longer required because of the cessation of war activities. It shall be the duty of the heads of the several executive departments and other officials, before purchasing any of the articles described herein, to ascertain from the other services of the Government whether they have articles of the character described that are serviceable. Articles purchased by one service from another, if the same have not been used, shall be paid for at a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage. The



various services of the Government are authorized to sell such articles under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as a miscellaneous receipt: *Provided*, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office material, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities. (July 11, 1919, ch. 6, § 5, 41 Stat. 67.)

#### REFERENCE IN TEXT

Executive order of December 3, 1918, to which reference is made in text, is set out in note to section 311a of this title.

#### TRANSFER OF FUNCTIONS

The function of determination of policies and methods of procurement, warehousing, and distribution of property, facilities, structures, improvements, machinery, equipment, stores, and supplies exercised by any agency was transferred to the Procurement Division in the Treasury Department by Ex. Ord. No. 6166, June 10, 1933, set out in note to section 132 of Title 5, Executive Departments and Government Officers and Employees. Said Executive Order also provided that the Procurement Division should have control of all property, facilities, structures, machinery, stores, and supplies not necessary to the work of any agency.

**§ 311a. Surplus materials; supplies and equipment; application of Executive order of December 3, 1918.**—The Executive order of December 3, 1918, shall apply to all materials, supplies, and equipment now or hereafter becoming surplus or unusable in any executive department or independent Government establishment in the District of Columbia and shall continue in effect hereafter without modification, except that the prices charged for reissued surplus materials, supplies, and equipment, shall be the estimated current market value at time of issue, and that the proceeds from the transfer of appropriations thereunder shall be covered into the Treasury as miscellaneous receipts: *Provided*, That the heads of the executive departments and independent establishments and the Commissioners of the District of Columbia hereafter shall cooperate with the Secretary of the Treasury in connection with the storage and delivery of material, supplies, and equipment transferred under the foregoing provisions. (Dec. 20, 1928, ch. 39, title I, § 1, 45 Stat. 1030.)

#### EX. ORD. NO. 3019. TRANSFER OF OFFICE MATERIALS, ETC., IN DISTRICT OF COLUMBIA FALLING INTO DISUSE BECAUSE OF CESSATION OF WAR ACTIVITIES

Ex. Ord. No. 3019, Dec. 3, 1918, to which reference is made in text, provided:

Whereas, the present emergency has created a condition whereby large quantities of office material, supplies, and equipment now in the hands of the executive departments and other establishments of the government in the District of Columbia will fall into disuse because of the cessation of war activities, or for other reasons, it hereby is ordered that all such office materials, supplies, and equipment not required for use by the executive departments and independent establishments be transferred hereafter to the Secretary of the Treasury, to be handled through the General Supply Committee for the benefit of the municipal government and the governmental service in the District of Columbia in the following manner:

1. The several executive departments and independent establishments and the municipal government in the District of Columbia shall not purchase any of the classes of material described herein unless the Secretary of the



Treasury has certified that there is not in the possession of the government material, equipment, or supplies that are serviceable.

2. No executive department, independent establishment, or the municipal government of the District of Columbia shall be permitted to obtain any of the classes of material, supplies, and equipment described herein from the Secretary of the Treasury unless such services have an appropriation available for the procurement thereof.

3. All material obtained from the Secretary of the Treasury shall be paid for by transfer of appropriation from the purchasing service to the selling service and the proceeds covered into the Treasury in accordance with the existing law.

4. All material, supplies, and equipment purchased hereunder by one service from another, if the same has not been used, shall be sold at actual cost, and if the same has been used, at a cost based upon length of usage, but in no instance to be less than seventy-five per centum of cost.

5. Material of the classes herein described which is condemned as unfit for use may be disposed of otherwise than to governmental services by the committee for the benefits of the municipal government and the governmental Secretary of the Treasury. And usable material remaining unsold to other services of the government shall be held by him for disposition by law.

6. The Secretary of the Treasury shall keep a record of all material received and disposed of by him hereunder and the price at which disposed of and shall prescribe the regulations necessary to carry this order into effect.

7. This order shall supersede the Executive order of November 29, 1918, dealing with the same subject-matter.

#### TRANSFER OF FUNCTIONS

See note to section 311 of this title.

**§ 311b. Disposition of unfit horses and mules.**—Horses and mules belonging to the United States which have become unfit for service may be destroyed or put out to pasture, either on the pastures belonging to the United States Government or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for them during the remainder of their natural life, at no cost to the Government. (June 15, 1938, ch. 400, 52 Stat. 693; June 3, 1939, ch. 176, 53 Stat. 808.)

#### HOURS OF LABOR ON PUBLIC WORKS

**§ 321. Eight-hour day on public works; river and harbor dredging; longer hours unlawful.**—The service and employment of all laborers and mechanics who are or may be employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia, and of all persons who are or may be employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, is limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States Government or the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics or of such persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of



the District of Columbia, to require or permit any such laborer or mechanic or any such person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to work more than eight hours in any calendar day, except in case of extraordinary emergency: *Provided*, That nothing in this section and section 322 of this title, shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock-excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States. (Aug. 1, 1892, ch. 352, § 1, 27 Stat. 340; Mar. 3, 1913, ch. 106, 37 Stat. 726.)

EX. ORD. No. 9401. SUSPENSION OF SECTION ON WORK BY DEPARTMENT OF AGRICULTURE INCLUDING WAR FOOD ADMINISTRATION

Ex. Ord. No. 9041, Dec. 7, 1943, 8 F. R. 16773, suspended for the duration of the war the 8 hour provisions of this section with respect to laborers and mechanics employed by the Department of Agriculture, including the War Food Administration.

EX. ORD. No. 9240. REGULATIONS RELATING TO OVERTIME WAGE COMPENSATION

Ex. Ord. No. 9240, Sept. 9, 1942, 7 F. R. 7159, as amended Ex. Ord. No. 9248, Sept. 17, 1942, 7 F. R. 7419, as provided:

WHEREAS many labor organizations have already adopted the patriotic policy of waiving double time wage compensation or other premium pay for work on Saturday, Sunday and holidays, as such, for the duration of the war; and

WHEREAS it is desirable and necessary in the prosecution of the war, and to insure uniformity and fair treatment for those labor organizations, employers, and employees who are conforming to such wage policies that this principle be universally adopted:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes, as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered:

I. That the following principles and regulations shall apply for the duration of the war to the payment of premium and overtime wage compensation on all work relating to the prosecution of the war:

A. No premium wage or extra compensation shall be paid to any employee in the United States, its territories or possessions, for work on Saturday or Sunday except where such work is performed by the employee on the sixth or seventh day worked in his regularly scheduled workweek and as hereinafter provided.

(1) Where because of emergency conditions an employee is required to work for seven consecutive days in any regularly scheduled workweek a premium wage of double time compensation shall be paid for work on the seventh day.

(2) Where required by the provisions of law or employment contracts, not more than time and one-half wage compensation shall be paid for work in excess of eight hours in any day or forty hours in any workweek or for work performed on the sixth day worked in any regularly scheduled workweek.

B. No premium wage or extra compensation shall be paid for work on customary holidays except that time and one-half wage compensation shall be paid for work performed on any of the following holidays only:

New Year's Day

Fourth of July

Labor Day



Thanksgiving Day  
Christmas Day

and either Memorial Day or one other such holiday of greater local importance.

II. All Federal departments and agencies shall conform the provisions in all existing and future contracts negotiated, executed, or supervised by them to the policies of this order. All such departments and agencies shall immediately open negotiations to alter provisions in existing contracts to conform them to the requirements of this order.

III. Nothing in this order shall be construed as requiring a modification of the principle that every employee should have at least one day of rest in every seven days. The continuous operation of plants and machines in prosecuting the war does not require that employees should work seven consecutive days.

IV. Nothing herein shall be construed as superseding or in conflict with the provisions of the statutes prescribing the compensation, hours of work and other conditions of employment of employees of the United States.

All Federal departments and agencies affected by this order shall refer to the Secretary of Labor for determination questions of interpretation and application arising hereunder. In any industry or occupation in which the Secretary finds that a wage stabilization agreement approved by a Government department or agency is operating satisfactorily, or in any industry or occupation in which the Secretary finds that the nature and exigencies of operations make such action necessary or advisable for the successful prosecution of the war, the Secretary may determine that any or all of the provisions of this order shall not apply to such industry or occupation or to any classes of employees therein.

VI. The provisions of this order shall become effective October 1, 1942.

**§ 322. Violation of act punishable.**—Any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon a public work of the United States or of the District of Columbia, or any person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, who shall intentionally violate any provision of section 321 of this title, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine of not to exceed \$1,000, or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof. (Aug. 1, 1892, ch. 352, § 2, 27 Stat. 340; Mar. 3, 1913, ch. 106, 37 Stat. 726.)

**§ 324. Public contracts to provide for eight-hour day, stipulation for penalty; inspectors to report violations; deduction of penalty; appeals; right of action in Court of Claims.**—Every contract made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work and every such contract shall stipulate a penalty for each violation of such provision in such contract of \$5 for each laborer or mechanic for every calendar day



in which he shall be required or permitted to labor more than eight hours upon said work, and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this section directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department or the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court. (June 19, 1912, ch. 174, § 1, 37 Stat. 137.)

**§ 325. Same; contracts excepted; work included; waiver in time of war; when penalty not to be imposed; eight-hour law not affected.**—Nothing in section 324 of this title shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States: *Provided*, That all classes of work which have been, or may be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section 324. The President, by Executive order, may waive the provisions and stipulations in this Act as to any specific contract or contracts during time of war or a time when war is imminent, and until January first, nineteen hundred and fifteen, as to any contract or contracts entered



into in connection with the construction of the Isthmian Canal. No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable. Nothing in this section or section 324 of this title shall be construed to repeal or modify sections 321 to 323 of this title, or apply to contracts entered into under the provisions of appropriation Acts approved prior to June 19, 1912. (June 19, 1912, ch. 174, § 2, 37 Stat. 138.)

§ 325a. Same; computation of wages on basic day rate of eight hours; work in excess of day rate.—Notwithstanding any other provision of law, the wages of every laborer and mechanic employed by any contractor or subcontractor engaged in the performance of any contract of the character specified in sections 324 and 325 of this title, shall be computed on a basic day rate of eight hours per day and work in excess of eight hours per day shall be permitted upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. (Sept. 9, 1940, 9 a. m., E. S. T., ch. 717, title III, § 303, 54 Stat. 884.)

§ 326. Suspension of eight-hour law in case of emergency; overtime pay.—In case of national emergency the President is authorized to suspend provisions of law prohibiting more than eight hours of labor in any one day of persons engaged upon work covered by contracts with the United States: *Provided*, That the wages of persons employed upon such contracts shall be computed on a basic day of eight hours work, with overtime rates to be paid for at not less than time and one-half for all hours work in excess of eight hours. (Mar. 4, 1917, ch. 189, 39 Stat. 1192.)

## EMERGENCY PUBLIC WORKS AND CONSTRUCTION PROJECTS

### RESETTLEMENT OR RURAL-REHABILITATION PROJECTS

§ 431. Jurisdiction of State or political subdivision; civil rights under local law preserved.—The acquisition by the United States of any real property for any resettlement project or any rural-rehabilitation project for resettlement purposes constructed with funds allotted or transferred to the Resettlement Administration pursuant to any law, shall not be held to deprive any State or political subdivision thereof of its civil and criminal jurisdiction in and over such property, or to impair the civil rights under the local law of the tenants or inhabitants on such property; and insofar as any such jurisdiction has been taken away from any such State or subdivision, or any such rights have been impaired, jurisdiction over any such property is hereby ceded back to such State or subdivision. (June 29, 1936, ch. 868, § 1, 49 Stat. 2035.)

### TRANSFER OF FUNCTIONS

Ex. Ord. No. 7530, Dec. 31, 1936, 2 Fed. Reg. 7, as amended by Ex. Ord. No. 7557, Feb. 19, 1937, 2 Fed. Reg. 343, provided: "All the powers, func-



tions, and duties heretofore vested in the Resettlement Administration by Executive Order No. 7027 of April 30, 1935 (as amended by Executive Order No. 7200 of September 26, 1935), Executive Order No. 7028 of April 30, 1935, and Executive Order No. 7041 of May 15, 1935, are hereby transferred to the Secretary of Agriculture, to be exercised and performed by him; and all funds, personnel, property, records, and equipment of the Resettlement Administration are hereby transferred to the Department of Agriculture, to be under the supervision, control, and direction of the Secretary of Agriculture."

#### CHANGE OF NAME

The name of the Resettlement Administration was changed to Farm Security Administration by order of the Secretary of Agriculture, Memorandum No. 732, 2 Fed. Reg. 1800.

**§ 432. Payment to State or political subdivision in lieu of taxes; amount.**—Upon the request of any State or political subdivision thereof, or any other local public taxing unit, in which any such project, described in section 431 of this title, has been or will be constructed, the Resettlement Administration is authorized to enter into an agreement, and to consent to the renewal or alteration thereof, with such State or political subdivision thereof, or other local taxing unit, for the payment by United States of sums in lieu of taxes. Such sums shall be fixed in such agreement and shall be based upon the cost of the public or municipal services to be supplied for the benefit of such project or the persons residing on or occupying such premises, but taking into consideration the benefits to be derived by such State or subdivision or other taxing unit from such project. (June 29, 1936, ch. 868, § 2, 49 Stat. 2036.)

**§ 433. Payment in lieu of taxes from appropriations for and receipts from projects.**—The receipts derived from the operation of such projects, described in section 431 of this title, in addition to the moneys appropriated or allocated for such projects, shall be available for such payments in lieu of taxes and for any other expenditures for operation and maintenance (including insurance) of such projects. To provide for such payments and expenditures, the Resettlement Administration is authorized from time to time to retain out of such receipts such sums as it may estimate to be necessary for such purposes. (June 29, 1936, ch. 868, § 3, 49 Stat. 2036.)

**§ 434. Dedication and grants in connection with projects.**—In connection with any such project, described in section 431 of this title, the Resettlement Administration, with the approval of the President, is authorized to dedicate land for streets, alleys, and parks, and for any other public use or purpose, and to grant easements. (June 29, 1936, ch. 868, § 4, 49 Stat. 2036.)

**§ 435. Reports to Congress on liquidation of rural rehabilitation projects.**—The War Food Administrator shall transmit to the Congress semiannually a progress report with respect to the liquidation of Federal rural rehabilitation projects, under his supervision, showing by name and by States all dispositions of such projects, or parts thereof, together with the amounts of Federal funds expended in the process of liquidation, and any losses incurred in the use of such funds. (July 12, 1943, ch. 215, § 1, 57 Stat. 425; June 28, 1944, ch. 296, § 1, 58 Stat. 456.) § 1, 57 Stat. 425; June 28, 1944, ch. 296, § 1, 58 Stat. 456.)



# TITLE 41—PUBLIC CONTRACTS

## GENERAL PROVISIONS

§ 5. Advertisements for proposals for purchases and contracts for supplies or services for departments of Government.—All purchases and contracts for supplies or services, in any of the departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals. (R. S. § 3709.)

### DERIVATION

Act Mar. 2, 1861, ch. 84, § 10, 12 Stat. 220.

### CROSS REFERENCES

Seeding and tree planting within national forests, open purchases without advertisement, see section 504 of Title 16, Conservation.

§ 6. Same; exceptions to section 5 limited only as to amounts involved.—Section 5 of this title shall not be construed to apply to any purchases or services authorized by any appropriation Act for the hereinafter enumerated departments and independent offices—

\* \* \* \* \*

(b) Amount not exceeding \$50.—Where the aggregate amount involved does not exceed the sum of \$50—

(2) The Department of Agriculture.

(3) The Farm Credit Administration.

\* \* \* \* \*

(c) Amount not exceeding \$100.—Where the aggregate amount involved does not exceed the sum of \$100—

\* \* \* \* \*

(6) The Rural Electrification Administration.

\* \* \* \* \*

(Oct. 10, 1940, ch. 851, § 1, 54 Stat. 1109.)

§ 6b. Same; miscellaneous exceptions to section 5—(a) Control of insects, pests, and grass diseases.—Materials and equipment for the control of incipient or emergency outbreaks of insects, pests, or grass diseases, including grasshoppers, Mormon crickets, and chinch bugs, may be procured with any sums appropriated to carry out the provisions of sections 148-148e of Title 7 without regard to the provisions of section 5 of this title, as amended, and the transportation thereof, may be under such conditions and means as shall be determined by the Secretary of Agriculture to be most advantageous.

\* \* \* \* \*



(June 24, 1940, ch. 412, 54 Stat. 504; Oct. 10, 1940, ch. 351, § 3, 54 Stat. 1111.)

**§ 7. Miscellaneous supplies—**(1) **Miscellaneous supplies for executive departments and other Government establishments in Washington; advertisements and contracts for.**—All supplies of fuel, ice, stationery, and other miscellaneous supplies for the executive departments and other Government establishments in Washington, when the public exigencies do not require the immediate delivery of the article, shall be advertised and contracted for by the Secretary of the Treasury, upon such days as he may designate.

(2) **Same; General Supply Committee; composition of; annual schedule of required miscellaneous supplies; examination and tests.**—There shall be a General Supply Committee composed of officers, one from each of the executive departments, designated by the head thereof, except that no disbursing officer shall be a member of such committee, the duties of which committee shall be to make, under the direction of the Secretary of the Treasury, an annual schedule of required miscellaneous supplies, to standardize such supplies, eliminating all unnecessary grades and varieties, and to aid said Secretary in soliciting bids based upon formulas and specifications drawn up by such experts in the service of the Government as the committee may see fit to call upon, who shall render whatever assistance they may require. The committee shall aid said Secretary in securing the proper fulfillment of the contracts for such supplies, for which purpose the said Secretary shall prescribe, and all departments comply with, rules providing for such examination and tests of the articles received as may be necessary for such purpose; in making additions to the said schedule; in opening and considering the bids, and shall perform such other similar duties as he may assign to them: *Provided*, That the articles intended to be purchased in this manner are those in common use by or suitable to the ordinary needs of two or more such departments or establishments; but the said Secretary shall have discretion to amend the annual common supply schedule from time to time as to any articles that, in his judgment, can as well be thus purchased.

(3) **Same; bond of contractor.**—In all cases only one bond for the proper performance of each contract shall be required, notwithstanding that supplies for more than one department or Government establishment are included in such contract.

(d) **Same; purchase or drawing of supplies.**—Every purchase or drawing of such supplies from the contractor shall be immediately reported to said committee. No department or establishment shall purchase or draw supplies from the common schedule through more than one office or bureau, except in case of detached bureaus or offices having field or outlying service, which may purchase directly from the contractor with the permission of the head of their department: *Provided*, That telephone service, electric light, and power service purchased or contracted for from companies or individuals shall be so obtained by him. (June 17, 1910, ch. 297, § 4, 36 Stat. 531.)



## TRANSFER OF FUNCTIONS

The Procurement Division in a communication dated December 10, 1940, advised it operated under this section and sections 7a-7d of this title. Presumably it has taken over the functions formerly exercised by the General Supply Committee which was abolished by Ex. Ord. 6166, eff. June 10, 1933, set out below.

## EX. ORD. NO. 6166. REORGANIZATION OF GOVERNMENT AGENCIES

Ex. Ord. No. 6166, § 1, June 10, 1933, as amended by Ex. Ord. No. 6623, Mar. 1, 1934, provided:

Sec. 1. Procurement.—The function of determination of policies and methods of procurement, warehousing, and distribution of property, facilities, structures, improvements, machinery, equipment, stores, and supplies exercised by any agency is transferred to a Procurement Division in the Treasury Department, at the head of which shall be a Director of Procurement.

The Office of the Supervising Architect of the Treasury Department is transferred to the Procurement Division, except that the buildings of the Treasury Department shall be administered by the Treasury Department and the administration of post office buildings is transferred to the Post Office Department. The General Supply Committee of the Treasury Department is abolished.

In respect of any kind of procurement, warehousing, or distribution for any agency the Procurement Division may, with the approval of the President, (a) undertake the performance of such procurement, warehousing, or distribution itself, or (b) permit such agency to perform such procurement, warehousing, or distribution, or (c) entrust such performance to some other agency, or (d) avail itself in part of any of these resources, according as it may deem desirable in the interest of economy and efficiency. When the Procurement Division has prescribed the manner of procurement, warehousing, or distribution of any thing, no agency shall thereafter procure, warehouse, or distribute such thing in any manner other than so prescribed.

The execution of work now performed by the Corps of Engineers of the Army shall remain with said corps, subject to the responsibilities herein vested in the Procurement Division.

The Procurement Division shall also have control of all property, facilities, structures, machinery, equipment, stores, and supplies not necessary to the work of any agency; may have custody thereof or entrust custody to any other agency; and shall furnish the same to agencies as need therefor may arise.

The Fuel Yards of the Bureau of Mines of the Department of Commerce are transferred to the Procurement Office.

§ 7a. Consolidation and coordination of Government purchases; authorization; duties of General Supply Committee.—The Secretary of the Treasury, through the General Supply Committee established under the provisions of section 7 of this title, is hereby authorized and directed to purchase or procure and distribute supplies to meet the consolidated requirements of the executive departments and independent establishments of the Federal Government in Washington, District of Columbia, and of the municipal government of the District of Columbia: *Provided*, That the requirements of the field services of any department or establishment, when request is made by the head thereof, shall be included in such purchase or procurement and distribution of supplies. The supplies to be purchased in this manner shall be designated by the Secretary of the Treasury from those for which he is authorized under existing law to make term contracts or to include in the general schedule of supplies issued annually by the General Supply Committee. (Feb. 27, 1929, ch. 354, § 1, 45 Stat. 1341.)



**§ 7b. Requisition for supplies; reimbursement.**—Each executive department and independent establishment shall furnish from time to time, when called on to do so, estimates of its requirements for inclusion in purchases which it is proposed to have made by the Secretary of the Treasury, and there shall be reserved from proper appropriations sufficient amounts in each case to reimburse the general supply fund hereinafter created. The General Supply Committee shall charge the proportionate cost of supplies, including breakage, shrinkage, transportation, cost of handling by the Treasury Department, and inspection, and bill the same to each requisitioning department; and each requisitioning department and independent establishment shall reimburse said general supply fund out of its appropriation upon proper vouchers. (Feb. 27, 1929, ch. 354, § 2, 45 Stat. 1342.)

**§ 7c. General supply fund; expenditures; reimbursements; report and audit; payments for supplies procured for field service.**—There is hereby authorized to be set aside as a special fund in the Treasury Department, to be known as the general supply fund, such sum as may be appropriated by Congress for the making of payments for supplies to be purchased under the provisions of sections 7a and 7b of this title, including the cost thereof and transportation charges, and reimbursement therefor upon presentation of proper vouchers, shall be made by each requisitioning office, out of any appropriations which may be applicable, by depositing the proper amounts directly to the credit of the Treasurer of the United States for the credit of the general supply fund herein authorized, and duplicate certificates of deposits issued therefor shall be promptly forwarded to the General Supply Committee: *Provided*, That all such reimbursements shall be placed to the credit of the general supply fund, and the same are hereby reappropriated for the same purpose as the original fund: *Provided further*, That there shall be included in each annual report of the Treasury Department a statement of the assets and liabilities of the said general supply fund as of June 30, including as assets any supplies purchased therefrom and on hand, for which reimbursement has not been received: *Provided further*, That the Comptroller General of the United States shall make an annual audit of the general supply fund as of June 30, and there shall be covered into the United States Treasury as miscellaneous receipts any surplus found therein, all assets and liabilities considered, above the amount appropriated to establish the said fund: *Provided however*, That payments for supplies procured for a field service may, in the discretion of the head of the department or establishment controlling such field service, and with the concurrence of the Secretary of the Treasury, be made direct to the vendors by the department or establishment. (Feb. 27, 1929, ch. 354, § 3, 45 Stat. 1342.)

#### INCREASE OF GENERAL SUPPLY FUND

Act Mar. 15, 1934, ch. 70, 48 Stat. 437, provided in part as follows: "The permanent capital of the general supply fund established by the act approved February 27, 1929 (\* \* \* Title 41, sec. 7c), is hereby increased by the value of fuel on the books of the Government fuel yards on June 30, 1934, plus the unexpended balances adjusted as of that date of appropriations heretofore made for the Government fuel yards."



**§ 8. Opening bids.**—Whenever proposals for supplies have been solicited, the parties responding to such solicitation shall be duly notified of the time and place of opening the bids, and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made. (R. S. § 3710.)

## DERIVATION

Res. Jan. 31, 1868, No. 8, 15 Stat. 246.

**§ 10a. American materials required for public use.**—Notwithstanding any other provision of law, and unless the head of the department or independent establishment concerned shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, shall be acquired for public use. This section shall not apply with respect to articles, materials, or supplies for use outside the United States, or if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. (Mar. 3, 1933, ch. 212, title III, § 2, 47 Stat. 1520.)

**§ 10b. Contracts for public works; specification for use of American materials; blacklisting contractors violating requirements.**—(a) Every contract for the construction, alteration, or repair of any public building or public work in the United States growing out of an appropriation heretofore made or hereafter to be made shall contain a provision that in the performance of the work the contractor, subcontractors, material men, or suppliers, shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States except as provided in section 10a of this title: *Provided, however,* That if the head of the department or independent establishment making the contract shall find that in respect to some particular articles, materials, or supplies it is impracticable to make such requirement or that it would unreasonably increase the cost, an exception shall be noted in the specifications as to that particular article, material, or supply, and a public record made of the findings which justified the exception.

(b) If the head of a department, bureau, agency, or independent establishment which has made any contract containing the provision required by subsection (a) finds that in the performance of such contract there has been a failure to comply with such provisions, he shall make public his findings, including therein the name of the contractor obligated under such



contract, and no other contract for the construction, alteration, or repair of any public building or public work in the United States or elsewhere shall be awarded to such contractor, subcontractors, material men, or suppliers with which such contractor is associated or affiliated, within a period of three years after such finding is made public. (Mar. 3, 1933, ch. 212, title III, § 3, 47 Stat. 1520.)

**§ 10c. Definition of terms used in sections 10a and 10b.**—When used in sections 10a and 10b of this title—(a) The term “United States”, when used in a geographical sense, includes the United States and any place subject to the jurisdiction thereof;

(b) The terms “public use”, “public building”, and “public work” shall mean use by, public building of, and public work of, the United States, the District of Columbia, Hawaii, Alaska, Puerto Rico, the Philippine Islands, American Samoa, the Canal Zone, and the Virgin Islands. (Mar. 3, 1933, ch. 212, title III, § 1, 47 Stat. 1520.)

**§ 11. No contracts or purchases unless authorized or under adequate appropriation.**—No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which, however, shall not exceed the necessities of the current year. (R. S. § 3732; June 12, 1906, ch. 3078, 34 Stat. 255.)

#### DERIVATION

Act Mar. 2, 1861, ch. 84, § 10, 12 Stat. 220.

**§ 12. No contract to exceed appropriations.**—No contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose. (R. S. § 3733.)

#### DERIVATION

Act July 25, 1868, ch. 233, § 3, 15 Stat. 177.

**§ 13. Contracts limited to 1 year.**—Except as otherwise provided, it shall not be lawful for any of the executive departments to make contracts for stationery or other supplies for a longer term than one year from the time the contract is made. (R. S. § 3735.)

**§ 14. Restriction on purchases of land.**—No land shall be purchased on account of the United States, except under a law authorizing such purchase. (R. S. § 3736.)

#### DERIVATION

Act May 1, 1820, ch. 52, § 7, 3 Stat. 568.

**§ 15. Transfers of contracts; assignments of claims; set-off against assignee.**—No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so



far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.

The provisions of the preceding paragraph shall not apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating \$1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency: *Provided*, 1. That in the case of any contract entered into prior to October 9, 1940, no claim shall be assigned without the consent of the head of the department or agency concerned; 2. That in the case of any contract entered into after October 9, 1940, no claim shall be assigned if it arises under a contract which forbids such assignment; 3. That unless otherwise expressly permitted by such contract any such assignment shall cover all amounts payable under such contract and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing; 4. That in the event of any such assignment, the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of assignment with—(a) the General Accounting Office, (b) the contracting officer or the head of his department or agency, (c) the surety or sureties upon the bond or bonds, if any, in connection with such contract, and (d) the disbursing officer, if any, designated in such contract to make payment. Notwithstanding any law to the contrary governing the validity of assignments, any assignment pursuant to this paragraph and the following paragraph shall constitute a valid assignment for all purposes.

Any contract entered into by the War Department or the Navy Department may provide that payments to an assignee of any claim arising under such contract shall not be subject to reduction or set-off, and if it is so provided in such contract, such payments shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of such contract. (R. S. § 3737; Oct. 9, 1940, ch. 779, § 1, 54 Stat. 1029.)

#### DERIVATION

Act July 17, 1862, ch. 200, § 14, 12 Stat. 596.

**§ 20. Deposit of contracts.**—All contracts to be made, by virtue of any law, and requiring the advance of money, or in any manner connected with the settlement of public accounts, shall be deposited promptly in the General Accounting Office: *Provided*, That this section shall not apply to the existing laws in regard to the contingent funds of Congress. (R. S. § 3743; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 240; July 31, 1894, ch. 174, § 18, 28 Stat. 210; June 10, 1921, ch. 18, §§ 304, 310, 42 Stat. 24, 25.)

#### DERIVATION

Acts July 16, 1798, ch. 85, § 6, 1 Stat. 610; Feb. 27, 1877, ch. 69, 19 Stat. 249.



## CROSS REFERENCE

Copies of all contracts made by Commissioner of Indian Affairs to be furnished General Accounting Office, see section 96 of Title 25, Indians.

**§ 20a. Same; exemption of contracts concerning national-forest lands.**—Permits, contracts, agreements, or other instruments requiring payments into the Treasury of the United States on account of sale of national-forest products, use of national-forest land, or other sources of national-forest revenue, including contributions by cooperators in connection with authorized activities of the Forest Service, shall be exempt from the provisions of section 20 of this title, when the permit or other instrument does not require payment to the Government in excess of \$300 in any one fiscal year. (June 15, 1940, ch. 367, 54 Stat. 398.)

**§ 21. Same; rules and regulation.**—The heads of the several executive departments and the proper officers of other Government establishments, not within the jurisdiction of any executive department, shall make appropriate rules and regulations to secure a proper administrative examination of all accounts sent to them as required by section 78 of Title 31, before their transmission to the General Accounting Office, and for the execution of other requirements of section 20 of this title, insofar as the same relate to the several departments or establishments. (July 31, 1894, ch. 174, § 22, 28 Stat. 210.)

**§ 22. Interest of Member of Congress.**—In every contract or agreement to be made or entered into, or accepted by or on behalf of the United States, there shall be inserted an express condition that no Member of or Delegate to Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon. Nor shall the provision of this section apply to any contracts or agreements heretofore or hereafter entered into under the Agricultural Adjustment Act, the Federal Farm Loan Act, the Emergency Farm Mortgage Act of 1933, the Federal Farm Mortgage Corporation Act, the Farm Credit Act of 1933, and the Home Owners' Loan Act of 1933, and shall not apply to contracts or agreements of a kind which the Secretary of Agriculture may enter into with farmers: *Provided*, That such exemption shall be made a matter of public record. (R. S. § 3741; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 249; Jan. 25, 1934, ch. 5, 48 Stat. 337; June 27, 1934, ch. 847, title V, § 510, 48 Stat. 1264; Aug. 26, 1937, ch. 821, 50 Stat. 838.)

## REFERENCES IN TEXT

Agricultural Adjustment Act, see sections 601-608c, 608d-612, 613-619, 620, 623, 624, of Title 7, Agriculture.

Federal Farm Loan Act, see note under section 641 of Title 12, Banks and Banking.

Emergency Farm Mortgage Act of 1933, see sections 347, 462b, 636, 637, 723, 771, 781, 810, 821, 823 note, 963a, 992, 993, 1016-1019 of Title 12, Banks and Banking, section 609c of Title 15, Commerce and Trade, and sections 403, 404 of Title 43, Public Lands.

Federal Farm Mortgage Corporation Act, see sections 347, 355, 723f, 772, 781, 897, 992a, 1016 (b), (g), 1020-1020h, 1131i (a) (2), (e), 1138b, 1138d, 1161 of Title 12, Banks and Banking.

Farm Credit Act of 1933, see sections 637-640, 653, 674, 678, 678a, 679-683, 694, 723, 744a, 771, 781, 791, 823a, 874, 876, 878, 879, 880, 884, 952, 963a, 964, 971, 972, 983, 987, 992, 1016, 1017, 1018, 1022, 1031, 1124, 1131, 1131a-



1131i, 1134a-1134m, 1138-1138f, 1141c, 1141e, 1141f, 1141j, 1148a, 1151a of Title 12, Banks and Banking and section 610 of Title 7, Agriculture.

Home Owners' Loan Act of 1933, see sections 1424a, 1461-1463, 1464-1468 of Title 12, Banks and Banking.

#### DERIVATION

Acts Apr. 21, 1808, ch. 48, § 3, 2 Stat. 484; Feb. 27, 1877, ch. 69, 19 Stat. 249.

#### APPLICATION OF SECTION TO OTHER SECTIONS

Provisions of this section are made inapplicable to crop-insurance agreements made under the Federal Crop Insurance Act, Chapter 36 of Title 7, Agriculture, by section 1514 (f) of that title.

Provisions of this section are made inapplicable to loans or payments made under sections 590h and 590o of Title 16, Conservation, and the Agricultural Adjustment Act of 1938, Chapter 35 of Title 7, Agriculture, except section 1383 (a), by section 1386 of that title.

**§ 23. Orders or contracts for material placed with Government-owned establishments deemed obligations.**—All orders or contracts for work or material or for the manufacture of material pertaining to approved projects heretofore or hereafter placed with Government-owned establishments shall be considered as obligations in the same manner as provided for similar orders or contracts placed with commercial manufacturers or private contractors, and the appropriations shall remain available for the payment of the obligations so created as in the case of contracts or orders with commercial manufacturers or private contractors. (June 5, 1920, ch. 240, 41 Stat. 975; July 1, 1922, ch. 259, 42 Stat. 812; June 2, 1937, ch. 293, 50 Stat. 245.)

**§ 24. Contracts for transportation of moneys, bullion, coin, and securities.**—Whenever it is practicable contracts for the transportation of moneys, bullion, coin, notes, bonds, and other securities of the United States, and paper shall be let to the lowest responsible bidder therefor, after notice to all parties having means of transportation. (July 7, 1884, ch. 332, 23 Stat. 204.)

**§ 26. Exchange of typewriters and adding machines in part payment for new machines.**—The executive departments and other Government establishments and all branches of the public service may exchange typewriters, adding machines, and other similar labor-saving devices in part payment for new machines used for the same purpose as those proposed to be exchanged. (Mar. 4, 1915, ch. 147, § 5, 38 Stat. 1161; May 29, 1928, ch. 901, § 1 (5), 45 Stat. 986.)

**§ 27. Disposition of typewriting machines.**—No department or other Government establishment shall dispose of any typewriting machines by sale, exchange, or as part payment for another typewriter, that has been used less than three years. (June 5, 1920, ch. 235, § 7, 41 Stat. 947.)

**§ 35. Contracts for materials, etc., exceeding \$10,000; representations and stipulations.**—In any contract made and entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stocks of which is beneficially owned by the United States (all the foregoing being hereinafter designated as agencies of the United States), for the manufacture or furnishing of materials, supplies,



articles, and equipment in any amount exceeding \$10,000, there shall be included the following representations and stipulations:

(a) That the contractor is the manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactured or used in the performance of the contract;

(b) That all persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under said contract;

(c) That no person employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract shall be permitted to work in excess of eight hours in any one day or in excess of forty hours in any one week: *Provided*, That the provisions of this subsection shall not apply to any employer who shall have entered into an agreement with his employees pursuant to the provisions of paragraphs 1 or 2 of subsection (b) of section 207 of Title 29.

(d) That no male person under sixteen years of age and no female person under eighteen years of age and no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract; and

(e) That no part of such contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima-facie evidence of compliance with this subsection. (June 30, 1936, ch. 881, § 1, 49 Stat. 2036; May 13, 1942, ch. 306, 56 Stat. 277.)

**§ 36. Same; liability for breach; cancellation; completion by Government agency; employee's wages.**—Any breach or violation of any of the representations and stipulations in any contract for the purposes set forth in section 35 of this title shall render the party responsible therefor liable to the United States of America for liquidated damages, in addition to damages for any other branch of such contract, the sum of \$10 per day for each male person under sixteen years of age or each female person under eighteen years of age, or each convict laborer knowingly employed in the performance of such contract, and a sum equal to the amount of any deductions, rebates, refunds, or underpayment of wages due to any employee engaged in the performance of such contract; and, in addition, the agency of the United



States entering into such contract shall have the right to cancel same and to make open-market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. Any sums of money due to the United States of America by reason of any violation of any of the representations and stipulations of said contract set forth in section 35 of this title may be withheld from any amounts due on any such contracts or may be recovered in suits brought in the name of the United States of America by the Attorney General thereof. All sums withheld or recovered as deductions, rebates, refunds, or underpayments of wages shall be held in a special deposit account and shall be paid, on order of the Secretary of Labor, directly to the employees who have been paid less than minimum rates of pay as set in such contracts and on whose account such sums were withheld or recovered: *Provided*, That no claims by employees for such payments shall be entertained unless made within one year from the date of actual notice to the contractor of the withholding or recovery of such sums by the United States of America. (June 30, 1936, ch. 881, § 2, 48 Stat. 2037.)

§ 37. Same; distribution of list of persons breaching contract; future contracts prohibited.—The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of persons or firms found by the Secretary of Labor to have breached any of the agreements or representations required by sections 35-45 of this title. Unless the Secretary of Labor otherwise recommends no contracts shall be awarded to such persons or firms or to any firm, corporation, partnership, or association, in which such persons or firms have a controlling interest until three years have elapsed from the date the Secretary of Labor determines such breach to have occurred. (June 30, 1936, ch. 881, § 3, 49 Stat. 2037.)

§ 38. Same; administration; officers and employees; appointment; investigations; rules and regulations.—The Secretary of Labor is hereby authorized and directed to administer the provisions of sections 35-45 of this title and to utilize such Federal officers and employees and, with the consent of the State, such State and local officers and employees as he may find necessary to assist in the administration of said sections and to prescribe rules and regulations with respect thereto. The Secretary shall appoint, without regard to the provisions of the civil-service laws but subject to sections 661-663, 64-673, 674 of Title 5, an administrative officer, and such attorneys and experts, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as he may from time to time find necessary for the administration of sections 35-45 of this title. The Secretary of Labor or his authorized representatives shall have power to make investigations and findings as provided in sections 35-45 of this title, and prosecute any inquiry necessary to his functions in any part of the United States. The Secretary of Labor shall have authority from time to time to



make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of sections 35-45 of this title. (June 30, 1936, ch. 881, § 4, 49 Stat. 2038.)

**§ 39. Same; hearings by Secretary of Labor; witness fees; failure to obey order; punishment.**—Upon his own motion or on application of any person affected by any ruling of any agency of the United States in relation to any proposed or contract involving any of the provisions of sections 35-45 of this title, and on complaint of a breach or violation of any representation or stipulation as provided in sections 35-45 of this title, the Secretary of Labor, or an impartial representative designated by him, shall have the power to hold hearings and to issue orders requiring the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any District Court of the United States or of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person who is guilty of contumacy, failure, or refusal is found, or resides or transacts business, upon the application by the Secretary of Labor or representative designated by him, shall have jurisdiction to issue to such person an order requiring such person to appear before him or representative designated by him, to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as contempt thereof; and shall make findings of fact after notice and hearing, which findings shall be conclusive upon all agencies of the United States, and if supported by the preponderance of the evidence, shall be conclusive in any court of the United States; and the Secretary of Labor or authorized representative shall have the power, and is hereby authorized, to make such decisions, based upon findings of fact, as are deemed to be necessary to enforce the provisions of sections 35-45 of this title. (June 30, 1936, ch. 881, § 5, 49 Stat. 2038.)

**§ 40. Same; exceptions; modification of contracts; variations; overtime; suspension of representations and stipulations.**—Upon a written finding by the head of the contracting agency or department that the inclusion in the proposal or contract of the representations or stipulations set forth in section 35 of this title will seriously impair the conduct of Government business, the Secretary of Labor shall make exceptions in specific cases or otherwise when justice or public interest will be served thereby. Upon the joint recommendation of the contracting agency and the contractor, the Secretary of Labor may modify the terms of an existing contract respecting minimum rates of pay and maximum hours of labor as he may find necessary and proper in the public interest or to prevent injustice and undue hardship. The Secretary of Labor may provide reasonable limitations and may make rules and regulations allowing reasonable variations, toler-



ances, and exemptions to and from any or all provisions of sections 35-45 of this title respecting minimum rules of pay and maximum hours of labor or the extent of the application of said sections to contractors, as hereinbefore described. Whenever the Secretary of Labor shall permit an increase in the maximum hours of labor stipulated in the contract, he shall set a rate of pay for any overtime, which rate shall be not less than one and one-half times the basic hourly rate received by any employee affected: *Provided*, That whenever in his judgment such course is in the public interest, the President is authorized to suspend any or all of the representations and stipulations contained in section 35 of this title. (June 30, 1936, ch. 881, § 6, 49 Stat. 2038; June 28, 1940, ch. 440, Title I, § 13, 54 Stat. 681.)

#### STABILIZATION OF WAGES AND SALARIES

Executive order stabilizing wages and salaries as inapplicable to sections 35-45 of this title, see title VI, par. 1, of Ex. Ord. No. 9250 set out in note under section 901 of Appendix to Title 50, War.

§ 41. Same; "person" defined.—Whenever used in sections 35-45 of this title, the word "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receiver. (June 30, 1936, ch. 881, § 7, 49 Stat. 2038.)

§ 42. Same; effect of sections 35-45 on other laws.—The provisions of sections 35-45 of this title shall not be construed to modify or amend Title III of the act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved May 3, 1933 (commonly known as the Buy American Act), nor shall the provisions of sections 35-45 of this title be construed to modify or amend section 276a of Title 40, nor the labor provisions of sections 401-410 of Title 40, as extended, or of section 7 of the Emergency Relief Appropriation Act, approved April 8, 1935; nor shall the provisions of sections 35-45 of this title be construed to modify or amend sections 744a-744n of Title 18. (June 30, 1936, ch. 881, § 8, 49 Stat. 2039.)

§ 43. Same; sections 35-45 not applicable to certain contracts.—Sections 35-45 of this title shall not apply to purchases of such materials, supplies, articles, or equipment as may usually be bought in the open market; nor shall they apply to perishables, including dairy, livestock and nursery products, or to agricultural or farm products processed for first sale by the original producers; nor to any contracts made by the Secretary of Agriculture for the purchase of agricultural commodities or the products thereof. Nothing in sections 35-45 of this title shall be construed to apply to carriage of freight or personnel by vessel, airplane, bus, truck, express, or railway line where published tariff rates are in effect or to common carriers subject to the provisions of section 21 of Title 15, section 4697 of Title 39, and sections 35, 151-155, 201-221, 301-329, 351-362, 401-416, 501-505 and 601-609 of Title 47. (June 30, 1936, ch. 881, § 9, 49 Stat. 2039.)

§ 44. Same; separability.—If any provision of sections 35-45 of this title, or the application thereof to any persons or circum-



stances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby. (June 30, 1936, ch. 881, § 10, 49 Stat. 2039.)

§ 45. **Same; effective date of sections 35-45; exception as to representations with respect to minimum wages.**—Sections 35-45 of this title shall apply to all contracts entered into pursuant to invitations for bids issued on or after ninety days from June 30, 1936: *Provided, however,* That the provisions requiring the inclusion of representations with respect to minimum wages shall apply only to purchases or contracts relating to such industries as have been the subject matter of a determination by the Secretary of Labor. (June 30, 1936, ch. 881, § 11, 49 Stat. 2039.)

§ 46. **Committee on purchases of blind-made products; creation; members.**—There is hereby created a Committee to be known as the Committee on Purchases of Blind-made Products (hereinafter referred to as the "Committee") to be composed of a private citizen conversant with the problems incident to the employment of the blind and a representative of each of the following Government Departments: The Navy Department, the War Department, the Treasury Department, the Department of Agriculture, the Department of Commerce, and the Department of the Interior. The members of the Committee shall be appointed by the President, shall serve without additional compensation, and shall designate one of their number to be chairman. (June 25, 1938, ch. 697, § 1, 52 Stat. 1196.)

§ 47. **Same; fair market price, determination, revision; distribution of orders.**—It shall be the duty of the Committee to determine the fair market price of all brooms and mops and other suitable commodities manufactured by the blind and offered for sale to the Federal Government by any non-profit-making agency for the blind organized under the laws of the United States or of any State, to revise such prices from time to time in accordance with changing market conditions, and to make such rules and regulations regarding specifications, time of delivery, authorization of a central non-profit-making agency to facilitate the distribution of orders among the agencies for the blind, and other relevant matters of procedure as shall be necessary to carry out the purposes of this section and sections 46 and 48 of this title: *Provided,* That no change in price shall become effective prior to the expiration of fifteen days from the date on which such change is made by the Committee. (June 25, 1938, ch. 697, § 2, 52 Stat. 1196.)

§ 48. **Same; procurement at determined price.**—All brooms and mops and other suitable commodities hereafter procured in accordance with applicable Federal specifications by or for any Federal department or agency shall be procured from such non-profit-making agencies for the blind in all cases where such articles are available within the period specified at the price determined by the committee to be the fair market price for the article or articles so procured: *Provided,* That this section and sections 46, 47 of this title shall not apply in any cases where brooms and mops are available for procurement from any Federal



department or agency and procurement therefrom is required under the provisions of any law in effect on June 25, 1938, or in cases where brooms and mops are procured for use outside continental United States. (June 25, 1938, ch. 697, § 3, 52 Stat. 1196.)

§ 49. **Defense employment; honorable discharge from land and naval forces as equivalent to birth certificate.**—No defense contractor shall deny employment, on account of failure to produce a birth certificate, to any person who submits, in lieu of a birth certificate, an honorable discharge certificate or certificate issued in lieu thereof from the Army, Navy, Marine Corps, or Coast Guard of the United States, unless such honorable discharge certificate shows on its face that such person may have been an alien at the time of its issuance. (June 22, 1942, ch. 432, § 1, 56 Stat. 375.)

#### CROSS REFERENCES

War and defense contracts generally, see sections 1151 et seq. of Appendix to Title 50, War.

§ 50. **Same; "defense contractor" defined.**—As used in sections 49 and 50 of this title the terms "defense contractor" means an employer engaged in—

(1) the production, maintenance, or storage of arms, armament, ammunition, implements of war, munitions, machinery, tools, clothing, food, fuel, or any articles or supplies, or parts or ingredients of any articles or supplies; or

(2) the construction, reconstruction, repair, or installation of a building, plant, structure, or facility;

under a contract with the United States or under any contract which the President, the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission certifies to such employer to be necessary to the national defense. (June 22, 1942, ch. 432, § 2, 56 Stat. 376.)

#### TERMINATION OF WAR CONTRACTS

§ 101. **Declaration of policy.**—The Congress declares that the objectives of this chapter are—

(a) to facilitate maximum war production during the war, and to expedite reconversion from war production to civilian production as war conditions permit;

(b) to assure to prime contractors and subcontractors, small and large, speedy and equitable final settlement of claims under terminated war contracts, and adequate interim financing until such final settlement;

(c) to assure uniformity among Government agencies in basic policies and administration with respect to such termination settlements and interim financing;

(d) to facilitate the efficient use of materials, manpower, and facilities for war and civilian purposes by providing prime contractors and subcontractors with notice of termination of their war contracts as far in advance of the cessation of work thereunder as is feasible and consistent with the national security;



(e) to assure the expeditious removal from the plants of prime contractors and subcontractors of termination inventory not to be retained or sold by the contractor;

(f) to use all practicable methods compatible with the foregoing objectives to prevent improper payments and to detect and prosecute fraud. (July 1, 1944, ch. 358, § 1, 58 Stat. 649.)

#### SHORT TITLE

Section 27 of act July 1, 1944, cited to text, provided: "This Act [sections 101-125 of this title] may be cited as the 'Contract Settlement Act of 1944'."

#### SEPARABILITY PROVISIONS

Section 26 of act July 1, 1944, cited to text, provided: "If any provision of this Act [sections 101-125 of this title], or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act [sections 101-125 of this title] or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

#### CROSS REFERENCES

Renegotiation of war contracts, see section 1191 of Appendix to Title 50, War.

Repricing of war contracts, see section 1192 of Appendix to Title 50, War.

Surplus Property Act of 1944, see sections 1611-1646 of Appendix to Title 50, War.

War Mobilization and Reconversion Act of 1944, see sections 1651-1678 of Appendix to Title 50, War.

**§ 102. Surveillance by Congress; reports to Congress.**—(a) To assist the Congress in appraising the administration of this chapter and in developing such amendments or related legislation as may further be necessary to accomplish the objectives of this chapter, the appropriate committees of the Senate and the House of Representatives shall study each report submitted to the Congress under this chapter and shall otherwise maintain continuous surveillance of the operations of the Government agencies under this chapter.

(b) In January, April, July, and October of each year, the Director shall submit to the Senate and House of Representatives a quarterly progress report on the exercise of his duties and authority under this chapter, the status of contract terminations, termination settlements, and interim financing and such other pertinent information on the administration of this chapter as will enable the Congress to evaluate its administration and the need for amendments and related legislation. (July 1, 1944, ch. 358, § 2, 58 Stat. 649.)

#### CROSS REFERENCES

Separability provisions and short title, see note under section 101 of this title.

**§ 103. Definitions.**—As used in this chapter—

(a) The term "prime contract" means any contract, agreement, or purchase order heretofore or hereafter entered into by a contracting agency and connected with or related to the prosecution of the war; and the term "prime contractor" means any holder of one or more prime contracts.

(b) The term "subcontract" means any contract, agreement, or purchase order heretofore or hereafter entered into to per-



form any work, or to make or furnish any material to the extent that such work or material is required for the performance of any one or more prime contracts or of any one or more other subcontracts; and the term "subcontractor" means any holder of one or more subcontracts.

(c) The term "war contract" means a prime contract or a subcontract; and the term "war contractor" means any holder of one or more war contracts.

(d) The terms "termination", "terminate", and "terminated" refer to the termination or cancelation,<sup>1</sup> in whole or in part, of work under a prime contract for the convenience or at the option of the Government (except for default of the prime contractor) or of work under a subcontract for any reason except the default of the subcontractor.

(e) The term "material" includes any article, commodity, machinery, equipment, accessory, part, component, assembly, work in process, maintenance, repair, and operating supplies, and any product of any kind.

(f) The term "Government agency" means any executive department of the Government, or any administrative unit or subdivision thereof, any independent agency or any corporation owned or controlled by the United States in the executive branch of the Government, and includes any contracting agency.

(g) The term "contracting agency" means any Government agency which has been or hereafter may be authorized to make contracts pursuant to section 611 of Appendix to Title 50, and includes the Reconstruction Finance Corporation and any corporation organized pursuant to sections 601-617 of Title 15, the Smaller War Plants Corporation, and the War Production Board.

(h) The term "termination claim" means any claim or demand by a war contractor for fair compensation for the termination of any war contract and any other claim under a terminated war contract, which regulations prescribed under this chapter authorize to be asserted and settled in connection with any termination settlement.

(i) The term "interim financing" includes advance payments, partial payments, loans, discounts, advances, and commitments in connection therewith, and guaranties of loans, discounts, advances, and commitments in connection therewith and any other type of financing made in contemplation of or related to termination of war contracts.

(j) The term "Director" means the Director of Contract Settlement.

(k) The term "person" means any individual, corporation, partnership, firm, association, trust, estate, or other equity.

(1) The term "termination inventory" means any materials (including a proper part of any common materials), properly allocable to the terminated portion of a war contract, except any machinery or equipment subject to a separate contract specifically governing the use or disposition thereof.

<sup>1</sup> So in the original. Probably should read "cancellation."



(m) The term "final and conclusive", as applied to any settlement, finding, or decision, means that such settlement, finding, or decision shall not be reopened, annulled, modified, set aside, or disregarded by any officer, employee, or agent of the United States or in any suit, action, or proceeding except as provided in this chapter. (July 1, 1944, ch. 358, § 3, 58 Stat. 650.)

**§ 104. Office of Contract Settlement; director, appointment, compensation, tenure, powers and duties; deputy director; employment of personnel; publication of orders and regulations.—**

(a) There is hereby established the Office of Contract Settlement which shall be headed by the Director of Contract Settlement. The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$12,000 per year, and shall serve for a term of two years.

(b) In order to insure uniform and efficient administration of the provisions of this chapter, the Director, subject to such provisions, by general orders or general regulations—

(1) shall prescribe policies, principles, methods, procedures, and standards to govern the exercise of the authority and discretion and the performance of the duties and functions of all Government agencies under this chapter; and

(2) may require or restrict the exercise of any such authority and discretion, or the performance of any such duty or function, to such extent as he deems necessary to carry out the provisions of this chapter.

(c) The exercise of any authority or discretion and the performance of any duty or function, conferred or imposed on any Government agency by this chapter, shall be subject to such orders and regulations prescribed by the Director pursuant to subsection (b) of this section. Each Government agency shall carry out such orders and regulations of the Director expeditiously, and shall issue such regulations with respect to its operations and procedures as may be necessary to carry out the policies, principles, methods, procedures, and standards prescribed by the Director. Any Government agency may issue such further regulations not inconsistent with the general orders or regulations of the Director as it deems necessary or desirable to carry out the provisions of this chapter.

(d) The Director may, within the limits of funds which may be made available, employ and fix the compensation of necessary personnel in accordance with the provisions of the civil-service laws and sections 661-663, 664-673, and 674 of Title 5 and make expenditures for supplies, facilities, and services necessary for the performance of his functions under this chapter. Without regard to the provisions of the civil-service laws and sections 661-663, 664-73, and 674 of Title 5, he may appoint a Deputy Director and may employ certified public accountants, qualified cost accountants, industrial engineers, appraisers, and other experts, and fix their compensation, and contract with certified public accounting firms and qualified firms of engineers in the discharge of the duties imposed upon him and in furtherance of the objectives and policies of this chapter. The Director shall



perform the duties imposed upon him through the personnel and facilities of the contracting agencies and other established Government agencies, to the extent that this does not interfere with the function of the Director to insure uniform and efficient administration of the provisions of this chapter.

(e) All orders and regulations prescribed by the Director or any Government agency under this chapter shall be published in the Federal Register. (July 1, 1944, ch. 358, § 4, 58 Stat. 651.)

#### DIRECTOR

On August 1, 1944, President Roosevelt sent to the Senate the nomination of Robert H. Hinckley, of Utah, to be Director of Contract Settlement, for a term of two years, and he was confirmed by the Senate on August 8, 1944.

#### CROSS REFERENCES

Additional duties of Director and delegation of authority by him, see sections 121 and 123 of this title.

**§ 105. Contract Settlement Advisory Board; composition; duties.**—There is hereby created a Contract Settlement Advisory Board, with which the Director shall advise and consult. The Board, shall be composed of the Director, who shall act as its Chairman, and of the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Chairman of the Maritime Commission, the Administrator of the Foreign Economic Administration, the chairman of the board of directors of the Reconstruction Finance Corporation, the Chairman of the War Production Board, the chairman of the board of directors of the Smaller War Plants Corporation, and the Attorney General or any alternate or representative designated by any of them. The Director shall request other Government agencies to participate in the deliberations of the Board whenever matters specially affecting them are under consideration. (July 1, 1944, ch. 358, § 5, 58 Stat. 651.)

**§ 106. Basis for settlement of termination claims—(a) Priority to private contractors.**—It is the policy of the Government, and it shall be the responsibility of the contracting agencies and the Director, to provide war contractors with speedy and fair compensation for the termination of any war contract, in accordance with and subject to the provisions of this chapter, giving priority to contractors whose facilities are privately owned or privately operated. Such fair compensation for the termination of subcontracts shall be based on the same principles as compensation for the termination of prime contracts.

**(b) Establishment of methods and standards.**—Each contracting agency shall establish methods and standards, suitable to the conditions of various war contractors, for determining fair compensation for the termination of war contracts on the basis of actual, standard, average, or estimated costs, or of a percentage of the contract price based on the estimated percentage of completion of work under the terminated contract, or on any other equitable basis, as it deems appropriate. To the extent that such methods and standards require accounting, they shall be adapted, so far as practicable, to the accounting systems used by war contractors, if consistent with recognized commercial accounting practice.



(c) **Conclusiveness of settlement.**—Any contracting agency may settle all or any part of any termination claim under any war contract by agreement with the war contractor, or by determination of the amount due on the claim or part thereof without such agreement, or by any combination of these methods. Where any such settlement is made by agreement, the settlement shall be final and conclusive, except (1) to the extent otherwise agreed in the settlement; (2) for fraud; (3) upon renegotiation to eliminate excessive profits under section 1191 of Appendix to Title 50, unless exempt or exempted under such section; or (4) by mutual agreement before or after payment. Where any such settlement is made by determination without agreement, it shall likewise be final and conclusive, subject to the same exceptions as if made by agreement, unless the war contractor appeals or brings suit in accordance with section 113 of this title: *Provided*, That no settlement agreement hereunder involving payment to a war contractor of an amount in excess of \$50,000 (or such lesser amount as the Director may from time to time determine) shall become binding upon the Government until the agreement has been reviewed and approved by a settlement review board of three or more members established by the contracting agency in the bureau, division, regional or district office, or other unit of the contracting agency authorized to make such settlement, or in the event of disapproval by the settlement review board, unless approved by the head of such bureau, division, regional or district office, or other unit. Failure of the settlement review board to act upon any settlement within thirty days after its submission to the board shall operate as approval by the board. The sole function of settlement review boards shall be to determine the over-all reasonableness of proposed settlement agreements from the point of view of protecting the interests of the Government. In determining, for purposes of this subsection, whether review of any settlement agreement is required because of the amounts involved, no deduction shall be made on account of credits for property chargeable to the Government or for advance or partial payments, but amounts payable under such settlement agreement for completed articles or work at the contract price and for the discharge of the termination claims of subcontractors shall be deducted.

(d) **Allowable costs.**—Except as hereinafter provided, the methods and standards established under subsection (b) of this section for determining fair compensation for termination claims which are not settled by agreement shall be designed to compensate the war contractor fairly for the termination of the war contract, taking into account—

(1) the direct and indirect manufacturing, selling and distribution, administrative and other costs and expenses incurred by the war contractor which are reasonably necessary for the performance of the war contract and properly allocable to the terminated portion thereof under recognized commercial accounting practices; and

(2) reasonable costs and expenses of settling termination claims of subcontractors related to the terminated portion of the war contract; and



(3) reasonable accounting, legal, clerical, and other costs and expenses incident to termination and settlement of the terminated war contract; and

(4) reasonable costs and expenses of removing, preserving, storing and disposing of termination inventories; and

(5) such allowance for profit on the preparations made and work done for the terminated portion of the war contract as is reasonable under the circumstances; and

(6) interest on the termination claim in accordance with subsection (f) of this section; and

(7) the contract price and all amounts otherwise paid or payable under the contract.

The following shall not be included as elements of cost:

(i) Losses on other contracts, or from sales or exchanges of capital assets, fees and other expenses in connection with reorganization or recapitalization, antitrust or Federal income-tax litigation, or prosecution of Federal income-tax claims or other claims against the Government (except as provided in paragraph (3) above); losses on investments; provisions for contingencies; and premiums on life insurance where the contractor is the beneficiary.

(ii) The expense of conversion of the contractor's facilities to uses other than the performance of the contract.

(iii) Expenses due to the negligence or willful failure of the contractor to discontinue with reasonable promptness the incurring of expenses after the effective date of the termination notice.

(iv) Costs incurred in respect to facilities, materials, or services purchased or work done in excess of the reasonable quantitative requirements of the entire contract.

The failure specifically to mention in this subsection any item of cost is not intended to imply that it should be allowed or disallowed. The Director may interpret the provisions of this subsection (d) and may provide for the inclusion or exclusion of other costs in accordance with recognized commercial accounting practice.

Where the small size of claims or the nature of production or performance or other factors make it impracticable to apply the principles stated in this subsection (d) to any class of settlements which are subject to this subsection (d), the contracting agencies may establish alternative methods and standards for determining fair compensation for that class of termination claims. The aggregate amount of compensation allowed in accordance with this subsection (excluding amounts allowed under paragraphs (3) and (4) above) shall not exceed the total contract price reduced by the amount of payments otherwise made or to be made under the contract.

(e) **Settlement by agreement.**—In order to carry out the objectives of this chapter, termination claims shall be settled by agreement to the maximum extent feasible and the methods and standards established under subsection (b) of this section shall be designed to facilitate such settlements. To the extent that he deems it practicable to do so without impeding expeditious settlements, the Director shall require the contracting agencies to



take into account the factors enumerated in subsection (d) above in establishing methods and standards for determining fair compensation in the settlement of termination claims by agreement.

**(f) Interest.**—Each contracting agency shall allow and pay interest on the amount due and unpaid from time to time on any termination claim under a prime contract at the rate of  $2\frac{1}{2}$  per centum per annum for the period beginning thirty days after the date fixed for termination and ending with the date of final payment, except that (1) if the prime contractor unreasonably delays the settlement of his claim, interest shall not accrue for the period of such delay, (2) if interest for the period after termination on any advance payment or loan, made or guaranteed by the Government, has been waived for the benefit of the contractor, the amount of the interest so waived allocable to the terminated contract or the terminated part of the contract shall be deducted from the interest otherwise payable hereunder, and (3) if after delivery of findings by a contracting agency, the contractor appeals or sues as provided in section 113 of this title, interest shall not accrue after the thirtieth day following the delivery of the findings on any amount allowed by such findings, unless such amount is increased upon such appeal or suit. In approving, ratifying, authorizing, or making termination settlements with subcontractors, each contracting agency shall allow interest on the termination claim of the subcontractor on the same basis and subject to the same conditions as are applicable to a prime contractor.

**(g) Amendment of contracts.**—Where any war contract does not provide for or provides against such fair compensation for its termination, the contracting agency, either before or after its termination, shall amend such war contract by agreement with the war contractor, or shall authorize, approve, or ratify an amendment of such war contract by the parties thereto, to provide for such fair compensation. (July 1, 1944, ch. 358, § 6, 58 Stat. 652.)

#### EFFECTIVE DATE

Retroactive effect of this section, see section 124 (a) of this title.

**§ 107. Settlement of subcontractors' claims—(a) Conclusiveness of settlement.**—Where, in connection with the settlement of any termination claim by a contracting agency, any war contractor makes settlements of the termination claims of his subcontractors, the contracting agency shall limit or omit its review of such settlements with subcontractors to the maximum extent compatible with the public interest. Any contracting agency (1) may approve, ratify, or authorize such settlements with subcontractors upon such evidence, terms, and conditions as it deems proper; (2) shall vary the scope and intensity of its review of such settlements according to the reliability of the war contractor, the size, number, and complexity of such claims, and other relevant factors; and (3) shall authorize war contractors to make such settlements with subcontractors without review by the contracting agency, whenever the reliability of the war contractor, the amount or nature of the claims, or other reasons appear to the contracting agency to justify such action.



Any such settlement of a subcontract approved, ratified, or authorized by a contracting agency shall be final and conclusive as to the amount due to the same extent as a settlement under subsection (c) of section 106 of this title, and no war contractor shall be liable to the United States on account of any amounts paid thereon except for his own fraud.

(b) **Supervision of payments to war contractors.**—Whenever any contracting agency is satisfied of the inability of a war contractor to meet his obligations it shall exercise supervision or control over payments to the war contractor on account of termination claims of subcontractors of such war contractor to such extent and in such manner as it deems necessary or desirable for the purpose of assuring the receipt of the benefit of such payments by the subcontractors.

(c) **Group settlements.**—The Director shall prescribe policies and methods for the settlement as a group, or otherwise, by any contracting agency of some or all of the termination claims of a war contractor under war contracts with one or more (1) bureaus or divisions within a contracting agency, (2) contracting agencies, or (3) prime contractors and subcontractors, to the extent he deems such action necessary or desirable for expeditious and equitable settlement of such claims. After consulting with the contracting agencies concerned, the Director may provide for assigning any war contractor to a contracting agency for such settlement, and such agency shall have authority to settle, on behalf of any other contracting agency, some or all of the termination claims of such war contractor.

(d) **Direct settlement by contracting agency.**—Any contracting agency may settle directly termination claims of subcontractors to the extent that it deems such action necessary or desirable for the expeditious and equitable settlement of such claims. In making such termination settlements any contracting agency may discharge the claim of the subcontractor by payment or may purchase such claim, and may agree to assume, or indemnify the subcontractor against, any claims, by any person in connection with such claim or the termination settlement. Any contracting agency undertaking to settle the termination claim of any subcontractor shall deliver to the subcontractor and the war contractor liable to him written notice stating its acceptance of responsibility for settling his claim and the conditions applicable thereto, which may include the release, or assignment to the contracting agency, of his claim against the war contractor liable to him; upon consent thereto by the subcontractor, the Government shall become liable for the settlement of his claims upon the conditions specified in the notice.

(e) **Amount of settlement.**—Any contracting agency may make settlements with subcontractors in accordance with any of the provisions of this chapter without regard to any limitation on the amount payable by the Government to the prime contractor.

(f) **Equitable payments.**—If any contracting agency determines that in the circumstances of a particular case equity and good conscience require fair compensation for the termination



of a war contract to be paid to a subcontractor who has been deprived of and cannot otherwise reasonably secure such fair compensation, the contracting agency concerned may pay such compensation to him although such compensation already has been included and paid as part of a settlement with another war contractor. (July 1, 1944, ch. 358, § 7, 58 Stat. 654.)

**§ 108. Interim financing—(a) Prime contractors.**—It is the policy of the Government, and it shall be the responsibility of the contracting agencies and the Director, in accordance with and subject to the provisions of this chapter, to provide war contractors having any termination claim or claims, pending their settlement, with adequate interim financing, within thirty days after proper application therefor.

**(b) Method of financing; amounts payable.**—Each contracting agency shall, to the greatest extent it deems practicable, make available interim financing through loans and discounts, and commitments and guaranties in connection therewith, in contemplation of or related to termination of war contracts. Where interim financing is made by advance payments or partial payments, it shall, insofar as practicable, consist of the following:

(1) An amount equal to 100 per centum of the amount payable, at the contract price, on account of acceptable items completed prior to the termination date under the terms of the contract, or completed thereafter with the approval of the contracting agency; plus

(2) An amount equal to 90 per centum of the cost of raw materials, purchased parts, supplies, direct labor, and manufacturing overhead allocable to the terminated portion of the war contract; plus

(3) A reasonable percentage of other allowable costs, including administrative overhead, allocable to the terminated portion of the war contract not included in the foregoing; plus

(4) Such additional amounts, if any, as the contracting agency deems necessary to provide the war contractor with adequate interim financing.

(5) In lieu of the costs referred to in clauses (2) and (3) of this subsection, where a detailed ascertainment of such costs is not suitable to the conditions of any war contractor and is apt to cause delay in the obtaining of interim financing by him, that portion of such interim financing shall be equal to an amount not greater than 90 per centum of the estimated costs which are allocable to the terminated part or parts of the war contract or group of war contracts, and are ascertained in accordance with such methods and standards as the Director shall prescribe.

(6) There shall be deducted from the amount of such interim financing any unliquidated balances of advance and partial payments theretofore made to such war contractor, which are allocable to the terminated war contract or the terminated part of the war contract.

**(c) Evidence to support financing.**—The Director shall prescribe (1) the types of estimates, certificates, or other evidence to be required to support such interim financing; (2) the terms



and conditions upon which such interim financing shall be made including the use of standard forms for agreements with respect to such interim financing to the extent practicable; (3) the classes of cases in which such interim financing shall be refused; and (4) such methods of supervision and control over such interim financing as he deems necessary or desirable to assure adequate and speedy interim financing to subcontractors of the war contractor.

**(d) Penalty for overstatement of claims.**—In case of an overstatement by any war contractor of the amount due on his termination claim or claims in connection with any interim financing under this chapter, such contractor shall pay to the United States, as a penalty, an amount equal to 6 per centum of the amount of the overstatement, but the Director may suspend or modify any such penalty if in his opinion the imposition thereof would be inequitable. Any penalty may be deducted from any amounts due the war contractor upon such termination claim or claims, or otherwise, or may be collected from the war contractor by suit. The obligation to pay any penalty imposed and to repay any interim financing made or assumed by the United States under this chapter shall constitute a debt due to the United States within the meaning of section 191 of Title 31.

**(e) Advance payments as part of termination settlement.**—Any contracting party may allow any advance payments, previously made or authorized by it in connection with the performance of a war contract, to be used for payments and expenses related to the termination settlement of such contract, upon such terms and conditions as it deems necessary or appropriate to protect the interest of the Government.

**(f) Liquidation of loans, etc., prior to final settlement.**—No interim financing shall be made by any contracting agency under this chapter unless the terms of such financing provide for the liquidation by the war contractor of all loans, discounts, advance payments, or partial payments thereunder not later than the time of final payment of the amount due on the settlement of the termination claim or claims of the war contractor involved or such time thereafter as the contracting agency deems necessary for the liquidation of such interim financing in an orderly manner.

**(g) Settlement of claims; validation of prior financing.**—Any contracting agency may settle, upon such terms and conditions as it deems proper, any claim or obligation due by or to the Government arising from or related to any interim financing made, acquired, or authorized by it. Any interim financing made, acquired, or authorized by any contracting agency before the effective date of this chapter shall be valid to the extent it would be authorized under the provisions of this chapter if made after its effective date. (July 1, 1944, ch. 358, § 8, 58 Stat. 655.)

**§ 109. Advance or partial payments to subcontractors; excessive payments, interest, liability of war contractor.**—(a) Any contracting agency may make advance or partial payments to



any war contractor on account of any termination claim or claims, and may authorize, approve, or ratify any such advance or partial payments by any war contractor to his subcontractors, upon such conditions as it deems necessary to insure compliance with the provisions of subsection (b) of this section. Each contracting agency shall make final payments from time to time on partial settlements or on settlements fixing a minimum amount due before complete settlement, or as tentative payments before any settlement of the claim or claims.

(b) Where any such advance or partial payment is made to any war contractor by any contracting agency or by another war contractor under this section, except a final payment on a partial settlement, any amount in excess of the amount finally determined to be due on the termination claim shall be treated as a loan from the Government to the war contractor receiving it, and shall be payable upon demand together with a penalty computed at the rate of 6 per centum per annum, for the period from the date such excess advance or partial payment is received to the date on which such excess is repaid or extinguished. Where the advance or partial payment was made by a war contractor and authorized, approved, or ratified by any contracting agency, the war contractor making it shall not be liable for any such excess payment in the absence of fraud on his part and shall receive payment or credit from the Government for the amount of such excess payment. (July 1, 1944, ch. 358, § 9, 58 Stat. 657.)

**§ 110. Guarantee of loans, advances, etc., for financing termination of contracts.**—(a) Any contracting agency is authorized—

(1) to enter into contracts with any Federal Reserve bank, or other public or private financing institution, guaranteeing such financing institution against loss of principal or interest on loans, discounts, or advances or on commitments in connection therewith, which such financial institution may make to any war contractor or to any person who is or has been engaged in performing any operation deemed by such contracting agency to be connected with or related to war production, for the purpose of financing such war contractor or other person in connection with or in contemplation of the termination of one or more such war contracts or operations; and

(2) to make, enter into contracts to make, or to participate with any Government agency, any Federal Reserve bank or public or private financing institution in making loans, discounts, or advances, or commitments in connection therewith, for the purpose of financing any such war contractor or other person in connection with or in contemplation of the termination of such war contracts or operations.

(b) Any such loan, discount, advance, guaranty, or commitment in connection herewith may be secured by assignment of, or covenants to assign, some or all of the rights of such war contractor or other person in connection with the termination of such war contracts or operations, or in such other manner as the contracting agency may prescribe.

(c) Subject to such regulations as the Board of Governors of the Federal Reserve System may prescribe with the approval



of the Director, any Federal Reserve bank is authorized to act, on behalf of the contracting agencies, as fiscal agent of the United States in carrying out the purposes of this chapter.

(d) This section shall not limit or affect any authority of any contracting agency, under any other statute, to make loans, discounts, or advances, or commitments in connection therewith or guaranties thereof. (July 1 1944, ch. 358, § 10, 58 Stat. 657.)

#### EFFECTIVE DATE

Retroactive effect of this section, see section 124 (a) of this title.

**§ 111. Advance notice of termination.**—(a) In order to facilitate the efficient use of materials, manpower, and facilities for war and civilian purposes, each contracting agency—

(1) shall provide its prime contractors with notice of termination of their prime contracts as far in advance of the cessation of work thereunder as is feasible and consistent with the national security without permitting unneeded production or performance;

(2) shall establish procedures whereby prime contractors shall provide affected subcontractors with immediate notice of termination; and

(3) shall permit the continuation of some or all of the work under a terminated prime contract whenever the agency deems that such continuation will benefit the Government or is necessary to avoid substantial injury to the plant or property.

(b) Whenever a contracting agency hereafter directs a prime contractor to cease or suspend all or a substantial part of the work under a prime contract, without terminating the contract, then, unless the contract provides otherwise, (1) the contracting agency shall compensate the contractor for reasonable costs and expenses resulting from such cessation or suspension, and (2) if the cessation or suspension extends for thirty days, or more, the contractor may elect to treat it as a termination by delivering written notice of his election so to do to the contracting agency, at any time before the contracting agency directs the prime contractor to resume work under the contract.

(c) The Director shall have no authority under this chapter to regulate or control the classes of contracts to be terminated by the contracting agencies. (July 1, 1944, ch. 358, § 11, 58 Stat. 658.)

**§ 112. Removal and storage of materials.**—(a) **Termination inventory.**—It is the policy of the Government, upon the termination of any war contract, to assure the expeditious removal from the plant of the war contractor of the termination inventory not to be retained or sold by the war contractor.

(b) **Statement on material of inventory.**—Any war contractor may submit to the contracting agency concerned or to any other Government agency designated by the Director, one or more statements showing the materials which such war contractor claims to be termination inventory under one or more war contracts and desires to have removed by the Government. Such statements shall be prepared in such form and detail, shall be submitted in such manner, through the prime



contractor or otherwise, and shall be supported by such certificates or other data, as may be prescribed under this chapter.

**(c) Removal and storage by government agency.**—Within sixty days after the submission of any such statement by a war contractor, or such shorter period as may be prescribed under this chapter, or within such longer period as the war contractor may agree, the Government agency concerned (1) shall arrange, upon such terms and conditions as may be agreed, for the storage by the war contractor on his own premises or elsewhere of all such claimed termination inventory which the war contractor does not retain or dispose of, except any part which may be determined not to be allocable to the terminated war contract or contracts, or (2) shall remove from the plant or plants of the war contractor all of such claimed termination inventory not retained, disposed of, or stored by the war contractor or determined not to be allocable to the terminated war contract or contracts.

**(d) Removal and storage by war contractor.**—Upon the failure of the Government so to arrange for storage by the war contractor or to remove any termination inventory within the period specified under subsection (c) of this section, the war contractor, subject to regulations prescribed under this chapter, may remove some or all of such termination inventory from his plant or plants and may store it on his own premises or elsewhere for the account and at the risk and expense of the Government, using reasonable care for its transportation and preservation. If any war contractor intends so to remove any claimed termination inventory, he shall deliver to the Government agency concerned written notice of the date fixed for removal and a statement showing the quantities and condition of the materials so to be removed, certified on behalf of the war contractor to have been prepared in accordance with a concurrent physical inventory of such materials. Such notice and statement shall be delivered at least twenty days in advance of the date fixed for removal and may be delivered before or after the expiration of the period specified under subsection (c) of this section. If the Government agency fails to check such materials, at or before the time of their removal by the war contractor, a certificate of the war contractor specifying the materials shown on such statement which were so removed, and filed with the Government agency concerned within thirty days after the date fixed for removal, shall constitute prima facie evidence against the United States as to the quantities and condition of the materials so removed, and the fact of their removal.

**(e) Acquisition by government agency of inventory material; liability.**—Notwithstanding any other provisions of law, but subject to subsection (h) of this section, the contracting agency concerned or the Director, or any Government agency designated by him, on behalf of the United States, may, by the exercise of any contract rights or otherwise, acquire and take possession of any termination inventory of any war contractor, and any materials removed by the Government or stored for its account under subsections (c) and (d) of this section, whether or not such materials are finally determined not to constitute termina-



tion inventory. With respect to any such materials, the Government shall be liable to any war contractor concerned only for their return to such war contractor or for their disposal value at the time of their removal or for the proceeds realized by the Government from their disposal, at the election of the Government agency concerned, unless the Government agency and the war contractor agree or have agreed on a different basis. Any amount so paid or payable to a war contractor for materials allocable to a terminated war contract shall be credited against the termination claim under such contract but shall not otherwise affect the amount due on the claim, unless the Government agency concerned and the war contractor agree or have agreed otherwise. Any materials to which the Director takes title under this section shall be delivered for disposal to any appropriate Government agency authorized to make such disposal.

**(f) Postponement or delay of termination settlement.**—No contracting agency shall postpone or delay any termination settlement beyond the period specified in subsection (c) of this section for the purpose of awaiting disposal by the war contractor or the Government of any termination inventory reported in accordance with subsection (b) of this section.

**(g) Government-owned machinery.**—Whenever any war contractor no longer requires, for the performance of any war contract, any Government-owned machinery, tools, or equipment installed in his plant for the performance of one or more war contracts, the Government agency concerned, upon written demand by the war contractor, and within sixty days after such demand or such other period as may be prescribed under this chapter, and upon such conditions as may be so prescribed, shall remove or provide for the removal of such machinery, tools, or equipment from such plant, unless the Government agency concerned and the war contractor, by facilities contract or otherwise, have made or make other provisions for the retention, storage, maintenance, or disposition of such machinery, tools or equipment. The Government agency concerned may waive or release on behalf of the United States any obligation of the war contractor with respect to such machinery, tools, or equipment upon such terms and conditions as the agency deems appropriate. Upon the failure of the Government so to remove or provide for removal of any such machinery, tools, or equipment, the war contractor, subject to regulations prescribed under this chapter, may remove all or part of such machinery, tools, or equipment from his plant and may store it on his own premises or elsewhere, for the account and at the risk and expense of the Government, using reasonable care for its transportation and preservation.

**(h) Limitation on government acquisition of inventories.**—Nothing in this chapter shall limit or affect the authority of the War Department, Navy Department, or Maritime Commission, respectively, to take over any termination inventories and to retain them for their use for any purpose or to dispose of such termination inventories for the purpose of war production, or to authorize any war contractor to retain or dispose of such termination inventories for the purpose of war production.



(i) **Removal and storage by war contractor at own risk.**—Nothing in this section shall be construed to prevent the removal and storage of any termination inventory by any war contractor, at his own risk, at any time after termination of any war contract to which it is allocable. (July 1, 1944, ch. 358, § 12, 58 Stat. 658.)

#### EFFECTIVE DATE

Retroactive effect of pars. (b)-(e), see section 124 (a) of this title.

§ 113. **Appeals—(a) Failure to settle claims by agreement; preparation of findings; notice to war contractor.**—Whenever the contracting agency responsible for settling any termination claim has not settled the claim by agreement or has so settled only a part of the claim, (1) the contracting agency at any time may determine the amount due on such claim or such unsettled part, and prepare written findings indicating the basis of the determination, and deliver a copy of such findings to the war contractor, or (2) if the termination claim has been submitted in the manner and substantially the form prescribed under this chapter, the contracting agency, upon written demand by the war contractor for such findings, shall determine the amount due on the claim or unsettled part and prepare and deliver such findings to the war contractor within ninety days after the receipt by the agency of such demand. In preparing such findings, the contracting agency may require the war contractor to furnish such information and to submit to such audits as may be reasonably necessary for that purpose. Within thirty days after the delivery of any such findings, the contracting agency shall pay to the war contractor at least 90 per centum of the amount thereby determined to be due, after deducting the amount of any outstanding interim financing applicable thereto.

(b) **Rights of war contractor.**—Whenever any war contractor is aggrieved by the findings of a contracting agency on his claim or part thereof or by its failure to make such findings in accordance with subsection (a) of this section, he may, at his election—

(1) appeal to the Appeal Board in accordance with subsection (d) of this section; or

(2) bring suit against the United States for such claim or such part thereof, in the Court of Claims or in a United States district court, in accordance with subsection (20) of section 41 of Title 28, except that, if the contracting agency is the Reconstruction Finance Corporation, or any corporation organized pursuant to sections 601-617 of Title 15, or any corporation owned or controlled by the United States, the suit shall be brought against such corporation in any court of competent jurisdiction in accordance with existing law.

(c) **Procedure.**—Any proceeding under subsection (b) of this section shall be governed by the following conditions:

(1) When any contracting agency provides a procedure within the agency for protest against such findings or for other appeal therefrom by the war contractor, the war contractor, before proceeding under subsection (b) of this section, (i) in his



discretion may resort to such procedure within the time specified in his contract or, if no time is specified, within thirty days after the delivery to him of the findings; and (ii) shall resort to such procedure for protest or other appeal to the extent required by the Director, but failure of the contracting agency to act on any such required protest or appeal within thirty days shall operate as a refusal by the agency to modify its findings. Any revision of the findings by the contracting agency, upon protest or appeal within the agency, shall be treated as the findings of the agency for the purpose of appeal or suit under subsection (b) of this section. Notwithstanding any contrary provision in any war contract, no war contractor shall be required to protest or appeal from such findings within the contracting agency except in accordance with this paragraph.

(2) A war contractor may initiate proceedings in accordance with subsection (b) of this section (i) within ninety days after delivery to him of the findings by the contracting agency, or (ii) in case of protests or appeal within the agency, within ninety days after the determination of such protest or appeal, or (iii) in case of failure to deliver such findings, within one year after his demand therefor. If he does not initiate such proceedings within the time specified, he shall be precluded thereafter from initiating any proceedings in accordance with subsection (b) of this section, and the findings of the contracting agency shall be final and conclusive, or if no findings were made, he shall be deemed to have waived such termination claim.

(3) Notwithstanding any contrary provision in any war contract, the Appeal Board or court shall not be bound by the findings of the contracting agency, but shall treat such findings as prima facie correct, and the burden shall be on the war contractor to establish that the amount due on his claim or part thereof exceeds the amount allowed by the findings of the contracting agency. Whenever the Appeal Board or court finds that the war contractor failed to negotiate in good faith with the contracting agency for the settlement of his claim or part thereof before appeal or suit thereon, or failed to furnish to the agency any information reasonably requested by it regarding his termination claim or part thereof, or failed to prosecute diligently any protest or appeal required to be taken under subsection (c) (1) (ii) of this section, the Appeal Board or court (i) may refuse to receive in evidence any information not submitted to the contracting agency; (ii) may deny interest on the claim or part thereof for such period as it deems proper; or (iii) may remand the case to the contracting agency for further proceedings upon such terms as the Appeal Board or court may prescribe. Unless the case is remanded, the Appeal Board or court shall enter the appropriate award or judgment on the basis of the law and facts, and may increase or decrease the amount allowed by the findings of the contracting agency.

(4) Any such proceedings shall not affect the authority of the contracting agency concerned to make a settlement of the termination claim, or any part thereof, by agreement with the war contractor at any time before such proceedings are concluded.



(d) **Appeal board.**—(1) The Director shall appoint an Appeal Board, composed of such number of members as he deems necessary from time to time to hear appeals under this section. The members of the Appeal Board shall be qualified and experienced attorneys, engineers, accountants, or persons possessing sufficient business experience or professional skill. He shall, without regard to the provisions of the civil-service laws and sections 661-663, 664-673 and 674 of Title 5, appoint and fix the compensation and term of office of the members of the Appeal Board: *Provided*, That no member shall receive compensation at a rate in excess of \$10,000 per annum nor be appointed for a term longer than two years.

(2) Panels of one or more members may act for the Appeal Board and shall sit from time to time in localities throughout the country, reasonably convenient for war contractors having proceedings before them. A panel of one member of the Appeal Board may hear any appeal whenever (1) the amount in controversy in the appeal is \$25,000 or less; or (ii) the amount in controversy exceeds \$25,000, but the war contractor taking the appeal fails to demand a panel of three members at the time of filing his appeal. If the war contractor is aggrieved by the decision of the Appeal Board or panel (other than an order remanding the case to the contracting agency under subsection (c) (3) (iii) of this section), then within ninety days after such decision he may bring suit on the claim or unsettled part thereof in accordance with subsection (b) (2) of this section. Such suit shall proceed as if no appeal had been taken under subsection (b) of this section. All costs of such suit shall be borne by the war contractor unless the court awards such contractor an amount in excess of that allowed by the Appeal Board or panel. Upon failure of the war contractor so to sue within such period, the decision of the Appeal Board or panel shall be final and conclusive.

(3) The Director or, if authorized by him, the Appeal Board shall prescribe the practice and procedure to govern proceedings for the Appeal Board. The Appeal Board or any panel thereof shall have power to administer oaths to witnesses and to compel by subpoena the attendance of witnesses, and the production of books, papers, documents, and other records. All provisions of law (including penalties and provisions relating to self-incrimination) applicable with respect to subpoenas issued under sections 41-46 and 47-58 of Title 5 shall be applicable with respect to subpoenas issued by the Appeal Board insofar as such provisions are not inconsistent with the provisions of this chapter.

(e) **Arbitration.**—The contracting agency responsible for settling any claim and the war contractor asserting the claim, by agreement, may submit all or any part of the termination claim to arbitration, without regard to the amount in dispute. Such arbitration proceedings shall be governed by the provisions of sections 1-15 of Title 9 to the same extent as if authorized by an effective agreement in writing between the Government and the war contractor. Any such arbitration award shall be



final and conclusive upon the United States to the same extent as a settlement under subsection (c) of section 106 of this title, but shall not be subject to approval by any settlement review board.

**(f) Conclusiveness of decisions.**—Whenever any dispute exists between any war contractor and a subcontractor regarding any termination claim, either of them, by agreement with the other, may submit the dispute —

(1) to the Appeal Board in accordance with subsection (d) of this section;

(2) to a contracting agency for mediation or arbitration whenever authorized by the agency or required by the Director.

Any award or decision in such proceedings shall be final and conclusive as to the parties so submitting any such dispute and shall not be questioned by the United States in settling any related claim, in the absence of fraud or collusion. (July 1, 1944, ch. 358, 13, 58 Stat. 660.)

#### EFFECTIVE DATE

Retroactive effect of this section, see section 124 (a) of this title.

**§ 114. Court of claims—(a) Appointment of auditors and commissioners.**—For the purpose of expediting the adjudication of termination claims, the Court of Claims is authorized to appoint not more than ten auditors and not more than twenty commissioners in addition to those provided for by sections 269 and 270 of Title 28, and the provisions of such sections shall apply to such additional commissioners in all respects as if they had been appointed thereunder without limitation as to nature of duties which they may be called upon to perform.

**(b) Procedure.**—The Court of Claims, on motion of either of the parties, or on its own motion, may summon any and all persons with legal capacity to be sued to appear as a party or parties in any suit or proceeding of any nature whatsoever pending in said court to assert and defend their interests, if any, in such suits or proceedings, within such period of time prior to judgment as the Court of Claims shall prescribe. If the name and address of any such person is known or can be ascertained by reasonable diligence, and if he resides within the jurisdiction of the United States, he shall be summoned to appear by personal service; but if any such person resides outside of the jurisdiction of the United States, or is unknown, or if for any other good and sufficient reason appearing to the court personal service cannot be had, he may be summoned by publication, under such rules as the court may adopt, together with a copy of the summons mailed by registered mail to such person's last known address. The Court of Claims may, upon motion of the Attorney General, in any suit or proceeding where there may be any number of persons having possible interests therein, notify such persons to appear to assert and defend such interests. Upon failure so to appear, any and all claims or interests in claims of any such person against the United States, in respect of the subject matter of such suit or proceedings, shall forever be barred and the court shall have jurisdiction to enter judgment pro confesso upon any claim or contingent claim asserted on be-



half of the United States against any person who, having been duly served with summons, fails to respond thereto, to the same extent and with like effect as if such person had appeared and had admitted the truth of all allegations made on behalf of the United States. Upon appearance by any person pursuant to any such summons or notice, the case as to such person shall, for all purposes, be treated as if an independent proceeding had been instituted by such person pursuant to section 250 of Title 28, and as if such independent proceeding had then been consolidated, for purposes of trial and determination, with the case in respect of which the summons or notice was issued, except that the United States shall not be heard upon any counterclaims, claims for damages or other demands whatsoever against such person, other than claims and contingent claims for the recovery of money hereafter paid by the United States in respect of the transaction or matter which constitutes the subject matter of such case, unless and until such person shall assert therein a claim, or an interest in a claim, against the United States, and the Court of Claims shall have jurisdiction to adjudicate, as between any and all adverse claimants, their respective several interests in any matter in suit and to award several judgments in accordance therewith.

**(c) Jurisdiction.**—The jurisdiction of the Court of Claims shall not be affected by this chapter except to the extent necessary to give effect to this chapter, and no person shall recover judgment on any claim, or on any interest in any claim, in said court which such person would not have had a right to assert in said court if this section had not been enacted. (July 1, 1944, ch. 358, § 14, 58 Stat. 663.)

**§ 115. Personal financial liability of contracting officers.**—  
**(a)** Whenever any payment is made from Government funds to any war contractor or other person as an advance, partial or final payment on any termination claim, or pursuant to any loan, guaranty, or agreement for the purchase of any loan, or any commitment in connection therewith, entered into by the Government, no officer or other Government agent authorizing or approving such payment or settlement, or certifying the voucher for such payment, or making the payment in accordance with a duly certified voucher, shall be personally liable for such payment, in the absence of fraud on his part. In settling the accounts of any disbursing officer the General Accounting Office shall allow any such disbursements made by him notwithstanding any other provisions of law.

**(b)** For the purpose of making termination settlements or interim financing any Government agency is authorized to rely upon such certificates of war contractors as it deems proper and to permit war contractors and other persons to rely upon such certificates without financial liability in the absence of fraud on their part. (July 1, 1944, ch. 358, § 15, 58 Stat. 664.)

**§ 116. Functions of General Accounting Office; certification of fraudulent settlements to Department of Justice; reports to Congress.**—**(a)** Any other provision of law notwithstanding, the function of the General Accounting Office with respect to any



termination settlement made, authorized, ratified, or approved by a contracting agency shall be confined to determining, after final settlement, (1) whether the settlement payments to the war contractor were made in accordance with the settlement, and (2) whether the records transmitted to it, or other information, warrant a reasonable belief that the settlement was induced by fraud. For this purpose the General Accounting Office shall have the authority to examine any records maintained by any contracting agency or by any war contractor relating to any termination settlement.

(b) Whenever the Comptroller General is convinced that any settlement was induced by fraud, he shall so certify, together with all the facts relating thereto, to the Department of Justice, to the Director, and to the contracting agency concerned. Upon receipt of such certificate (1) the Department of Justice shall make an investigation to determine whether such settlement was induced by fraud, and (2) until the Department of Justice notifies the contracting agency that in its opinion the facts do not support the belief that the settlement was induced by fraud, the contracting agency, by set-off or otherwise, may withhold, from amounts owing to the war contractor by the United States under such settlement or otherwise, the amount of the settlement, or the portion thereof, which, in the opinion of the Comptroller General as stated in his certificate, was affected by the fraud. In any such case the Department of Justice shall take such action as it deems appropriate to recover payments made to such war contractor. The General Accounting Office shall not suspend credit to any disbursing officer on any disbursements made by him under such settlement in the absence of fraud on his part.

(c) The Comptroller General may investigate the settlements completed by each contracting agency for the purpose of reporting to the Congress from time to time on—

(1) whether the settlement methods and procedures employed by such agency are of a kind and type designed to result in expeditious and fair settlements in accordance with and subject to the provisions of this chapter and the orders and regulations of the Director;

(2) whether such methods and procedures are followed by such agency with care and efficiency; and

(3) whether such methods and procedures adequately protect the interest of the Government.

If in any such report the Comptroller General shall find that the settlement methods and procedures fail to meet the foregoing standards, he shall make suggestions and recommendations to such agency for the improvement of such methods and procedures and to the Congress for any additional legislation needed to carry out the policies of this chapter. At least thirty days before filing any such report with the Congress, the Comptroller General shall deliver a copy thereof to the agency concerned and the Director, and shall forward to the Congress together with such report any comments of such agency with respect thereto.



(d) The jurisdiction of the Comptroller General of the United States shall not be affected by this chapter except to the extent necessary to give effect to the specific provisions thereof. (July 1, 1944, ch. 358, § 16, 58 Stat. 664.)

**§ 117. Defective, informal, and quasi contracts.**—(a) Where any person has arranged to furnish or furnished to a contracting agency or to a war contractor any materials, services, or facilities related to the prosecution of the war, without a formal contract, relying in good faith upon the apparent authority of an officer or agent of a contracting agency, written or oral instructions, or any other request to proceed from a contracting agency, the contracting agency shall pay such person fair compensation therefor.

(b) Whenever any formal or technical defect or omission in any prime contract, or in any grant of authority to an officer or agent of a contracting agency who ordered any materials, services, and facilities might invalidate the contract or commitment, the contracting agency (1) shall not take advantage of such defect or omission; (2) shall amend, confirm or ratify such contract or commitment without consideration in order to cure such defect or omission; and (3) shall make a fair settlement of any obligation thereby created or incurred by such agency, whether expressed or implied, in fact or in law, or in the nature of an implied or quasi contract.

(c) Where a contracting agency fails to settle by agreement any claim asserted under this section, the dispute shall be subject to the provisions of section 113 of this title.

(d) The Director shall require each contracting agency to formalize all such obligations and commitments within such period as the Director deems appropriate. (July 1, 1944, ch. 358, § 17, 58 Stat. 665.)

**§ 118. Administration**—(a) **Records, forms, reports.**—The Director shall establish policies for such supervision and review within the contracting agencies of termination settlements and interim financing as he deems necessary and appropriate to prevent and detect fraud and to assure uniformity in administration and to provide for expeditious settlements. For this purpose he shall prescribe (1) such records to be prepared by the contracting agencies and by war contractors as he deems necessary in connection with such settlements and interim financing; and (2) the records in connection therewith to be transmitted to the General Accounting Office. He shall seek to reduce the amount of record keeping, reporting, and accounting in connection with the settlement of termination claims and interim financing to the minimum compatible with the reasonable protection of the public interest. Each contracting agency shall prescribe forms for use by war contractors in connection with termination settlements and interim financing to the extent it deems necessary and feasible.

(b) **Preparation of information and reports.**—The Director shall require the Government agencies performing functions under this chapter to prepare such information and reports regarding terminations of war contracts, settlements of termination claims, and interim financing, as he deems necessary to assist him in



appraising their operations or to assist him or other Government agencies in performing their functions under this chapter, and may prescribe the terms and conditions upon which such information and reports shall be made available to other Government agencies. The Director may require any Government agency to furnish such information under its control as he deems necessary for the performance of his functions under this chapter, but any such agency, in its discretion, may furnish any such information deemed by it to affect the national security only to the Director himself.

**(c) Advance notice on cut-backs.**—The Director, by regulation, shall provide for making available to any interested Government agency such advance notice and other information on cut-backs in war production resulting from terminations or failures to renew or extend war contracts, as he deems necessary and appropriate.

**(d) Investigations.**—The Director shall make such investigations as he deems necessary or desirable in connection with termination settlements and interim financing. For this purpose he may utilize the facilities of any existing agencies and if he determines that the facilities of existing agencies are inadequate, he may establish a unit in the Office of Contract Settlement to supplement and facilitate the work of existing agencies. He shall report to the Department of Justice any information received by him indicating any fraudulent practices, for appropriate action.

**(e) Certification of fraudulent settlements to Department of Justice.**—Whenever any contracting agency or the Director believes that any settlement was induced by fraud, the agency or Director shall report the facts to the Department of Justice. Thereupon, (1) the Department of Justice shall make an investigation to determine whether such settlement was induced by fraud, and (2) until the Department of Justice notifies the contracting agency that in its opinion the facts do not support the belief that the settlement was induced by fraud, the contracting agency, by set-off or otherwise, may withhold, from amounts owing to the war contractor by the United States under such settlement or otherwise, the amount of the settlement, or the portion thereof, which, in its opinion, was affected by the fraud. In any such case the Department of Justice shall take such action as it deems appropriate to recover payments made to such war contractor. (July 1, 1944, ch. 358, § 18, 58 Stat. 666.)

**§ 119. Preservation of records; frauds; jurisdiction; prosecution of claims by Government agents; penalties.**—It shall be unlawful for any person willfully to secrete, mutilate, obliterate, or destroy, or cause to be secreted, mutilated, obliterated, or destroyed—

(i) any records of a war contractor relating to the negotiation, award, performance, payment, interim financing, cancellation or other termination, or settlement of a war contract of \$25,000 or more; or

(ii) any records of a war contractor and any purchaser relating to any disposition of termination inventory in which



the consideration received by any war contractor or any Government agency is \$5,000 or more.

until (1) five years after such disposition of termination inventory by such war contractor or Government agency, or (2) five years after the final settlement of such war contract, or (3) five years after the termination of hostilities in the present war as proclaimed by the President or by a concurrent resolution of the two Houses of Congress, whichever applicable period is longer.

As used in this subsection, the term "records" includes, but is not limited to, books, ledgers, checks and check stubs, payroll data, vouchers, memoranda, correspondence, inspection reports and certificates. Any corporation violating any provision of this subsection shall be fined not more than \$50,000 and any natural person violating any provision of this subsection shall be fined not more than \$10,000, or imprisoned for not more than five years, or both: *Provided, however,* That the Director, by regulation, may authorize the destruction of such records upon such terms and conditions as he deems appropriate, which may include the making and retaining of photographs or microphotographs. Photographs or microphotographs of any records made in compliance with such regulations of the Director shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of admissibility in evidence.

Every person who makes or causes to be made, or presents or causes to be presented to any officer, agent, or employee of any Government agency any claim, bill, receipt, voucher, statement, account, certificate, affidavit, or deposition, knowing the same to be false, fraudulent, or fictitious or knowing the same to contain or to be based on any false, fraudulent, or fictitious statement or entry or who shall cover up or conceal any material fact, or who shall use or engage in any other fraudulent trick, scheme, or device, for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any benefit, payment, compensation, allowance, loan, advance, or emolument from the United States or any Government agency in connection with the termination, cancelation, settlement, payment, negotiation, renegotiation, performance, procurement, or award of a contract with the United States or with any other person, and every person who enters into an agreement, combination, or conspiracy so to do, (1) shall pay to the United States an amount equal to 25 per centum of any amount thereby sought to be wrongfully secured or obtained but not actually received, and (2) shall forfeit and refund any such benefit, payment, compensation, allowance, loan, advance, and emolument received as a result thereof and (3) shall in addition pay to the United States the sum of \$2,000 for each such act, and double the amount of any damage which the United States may have sustained by reason thereof, together with the costs of suit.

The several district courts of the United States, the District of Columbia, the several district courts of the Territories of the United States, within whose jurisdictional limits the person, or



persons, doing or committing such act, or any one of them, resides or shall be found, shall, wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit, and such person or persons as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct.

The provisions of section 80 of Title 18 shall apply to any statement, representation, bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition made or used or caused to be made or used for any purpose under this chapter or under any regulations pursuant to this chapter.

It shall be unlawful for any person employed in any Government agency, including commissioned officers assigned to duty in such agency, during the period such person is engaged in such employment or service, to prosecute, or to act as counsel, attorney, or agent for prosecuting, any claim against the United States, or for any such person within two years after the time when such employment or service has ceased, to prosecute, or to act as counsel, attorney, or agent for prosecuting, any claim against the United States involving any subject matter directly connected with which such person was so employed or performed duty. Any person violating any provision of this subsection shall be fined not more than \$10,000 or imprisoned for not more than one year, or both. (July 1, 1944, ch. 358, § 19 (a), (c-e), 58 Stat. 667.)

**§ 120. Powers and duties of contracting agencies—(a) Limitation.**—Each contracting agency shall have authority, notwithstanding any provisions of law other than contained in this chapter, (1) to make any contract necessary and appropriate to carry out the provisions of this chapter; (2) to amend by agreement any existing contract, either before or after notice of its termination, on such terms and to such extent as it deems necessary and appropriate to carry out the provisions of this chapter; and (3) in settling any termination claim, to agree to assume, or indemnify the war contractor against, any claims by any person in connection with such termination claims or settlement. This subsection shall not limit or affect in any way any authority of any contracting agency under sections 601-622 of Appendix to Title 50, or under any other statute.

**(b) Evidence required; conclusiveness of determinations.**—Any contracting agency may prescribe the amount and kind of evidence required to identify any person as a war contractor, or any contract, agreement, or purchase order as a war contract for any of the purposes of this chapter. Any determination so made that any person is a war contractor, or that any contract, agreement, or purchase order is a war contract, shall be final and conclusive for any of the purposes of this chapter.

**(c) Appropriations.**—There are hereby authorized to be appropriated such sums as may be necessary for administering the provisions of this chapter.



**(d) Validation of prior settlements.**—All policies and procedures relating to termination of war contracts, termination settlements, and interim financing, prescribed by the Director of War Mobilization or any contracting agency, in effect upon the effective date of this chapter, and not inconsistent with this chapter, shall remain in full force and effect unless and until superseded by the Director in accordance with this chapter, or by regulations of the contracting agency not inconsistent with this chapter or the policies prescribed by the Director.

**(e) Impairment of contract.**—Nothing in this chapter shall be deemed to impair or modify any war contract or any term or provision of any war contract or any assignment of any claim under a war contract, without the consent of the parties thereto, if the war, contract, or the term, provision, or assignment thereof, is otherwise valid.

**(f) Aid to war contractors.**—Any contracting agency may authorize or direct its officers and employees, as a part of their official duties, to advise, aid, and assist war contractors in preparing and presenting termination claims, in obtaining interim financing, and in related matters, to such extent as it deems desirable. Such advice, aid, or assistance shall not constitute a violation of section 198 of Title 18 or of any other law, provided the officer or employee does not receive therefor benefit or compensation of any kind, directly or indirectly, from any war contractor.

**(g) Duties of Smaller War Plants Corporation.**—The Smaller War Plants Corporation is hereby directed—

(1) to disseminate information among small business concerns with respect to interim financing, termination settlements, removal and storage of termination inventories pursuant to the provisions of this Act and the regulations of the Director; and

(2) to assist small business concerns in connection with the securing of interim financing and the preparation of applications for such interim financing, the effecting of termination settlements, and the removal and storage of termination inventories, and to make interim loans and guaranties, in order to assure that small business concerns receive fair and equitable treatment from prime contractors and intermediate subcontractors in connection with the termination of war contracts. (July 1, 1944, ch. 358, § 20, 58 Stat. 668.)

**§ 121. Director; additional duties.**—In addition to his other functions under this chapter, the Director shall—

(a) promote the training of personnel for termination settlement and interim financing by contracting agencies, war contractors, and financing institutions;

(b) collaborate with the Smaller War Plants Corporation in protecting the interests of smaller war contractors in obtaining fair and expeditious termination settlements and interim financing;

(c) promote decentralization of the administration termination settlements and interim financing by fostering delegation of authority within contracting agencies and to war contractors, to the extent he deems necessary and feasible; and



(d) consult with war contractors through advisory committees or such other methods as he deems appropriate. (July 1, 1944, ch. 358, § 21, 58 Stat. 669.)

**§ 122. Use of appropriated funds.**—Any contracting agency is authorized—

(a) to use for interim financing, the payment of claims, and for any other purposes authorized in this chapter any funds which have heretofore been appropriated or allocated or which may hereafter be appropriated or allocated to it, or which are or may become available to it, for such purposes or for the purposes of war production or war procurement;

(b) to use any such funds appropriated, allocated, or available to it for expenditures for or in behalf of any other contracting agency for the purposes authorized in this chapter; and

(c) to determine by agreement, joint estimate, or any other method authorized by the Director, the part of any expenditure made pursuant to subsection (b) hereof to be paid by each contracting agency concerned and to make transfers of funds between such contracting agencies accordingly. Transfers of funds between appropriations carried upon the books of the Treasury shall be made by the Secretary of the Treasury in accordance with joint requests of the contracting agencies involved. (July 1, 1944, ch. 358, § 22, 58 Stat. 670.)

**§ 123. Delegation of authority by Director.**—(a) The Director may delegate any authority and discretion conferred upon him by this chapter to any Deputy Director, and may delegate such authority and discretion, upon such terms and conditions as he may prescribe, to the head of any Government agency to the extent necessary to the handling and solution of problems peculiar to that agency.

(b) The head of any Government agency may delegate any authority and discretion conferred upon him or his agency by or pursuant to this chapter to any officer, agent, or employee of such agency or to any other Government agency and may authorize successive redelegations of such authority and discretion.

(c) Any two or more Government agencies may exercise jointly any authority and discretion conferred upon each of them individually by or pursuant to this chapter.

(d) Nothing in this chapter shall prevent the Director from exercising any authority conferred upon him by any other statute. (July 1, 1944, ch. 358, § 23, 58 Stat. 670.)

**§ 124. Effective date; applicability to lend-lease contracts.**—

(a) This chapter shall become effective twenty days after the date of enactment. With the exception of the provisions of paragraphs (b), (c), (d), and (e) of section 112 of this title, and of sections 106-110, and 113 of this title, this chapter shall be applicable in the case of any terminated war contract which has been finally settled at or before the effective date of this chapter.

(b) Nothing in this chapter shall limit or affect any authority conferred by sections 411-419 of Title 22, or Acts supplemental thereto. (July 1, 1944, ch. 358, § 24, 58 Stat. 670.)

**§ 125. Exemption of certain contracts outside continental United States or in Alaska.**—Subject to policies prescribed by



the Director, any contracting agency may exempt from some or all of the provisions of this chapter (a) any war contract made or to be performed outside the continental limits of the United States or in Alaska, or (b) any termination inventory situated outside of the continental limits of the United States or in Alaska, or (c) any modification of a war contract pursuant to its terms for the purpose of changing plans or specifications applicable to the work without substantially reducing its extent. (July 1, 1944, ch. 358, § 25, 58 Stat. 670.)

#### CROSS REFERENCES

Separability provisions and short title, see note under section 101 of this title.

## TITLE 42—THE PUBLIC HEALTH AND WELFARE

### THE PUBLIC HEALTH SERVICE

§ 215. Detail of personnel to governmental departments, States and subdivisions, and certain institutions; payment of salaries and allowances.—(a) The Administrator is authorized, upon the request of the head of any executive department, to detail officers or employees of the Service to such department for duty as agreed upon by the Administrator and the head of such department in order to cooperate in, or conduct work related to, the functions of such department or of the Service. When officers or employees are so detailed their salaries and allowances may be paid from working funds established as provided by law or may be paid by the Service from applicable appropriations and reimbursement may be made as agreed upon by the Administrator and the head of the executive department concerned. Officers detailed for duty with the Army, Navy, or Coast Guard shall be subject to the laws for the government of the service to which detailed.

(b) Upon the request of any State health authority, personnel of the Service may be detailed by the Surgeon General for the purpose of assisting such State or a political subdivision thereof in work related to the functions of the Service.

(c) The Surgeon General may detail personnel of the Service to nonprofit educational, research, or other institutions engaged in health activities for special studies of scientific problems and for the dissemination of information relating to public health.

(d) Personnel detailed under subsections (b) and (c) shall be paid from applicable appropriations of the Service, except that, in accordance with regulations such personnel may be placed on leave without pay and paid by the State, subdivision, or institution to which they are detailed. The services of personnel while detailed pursuant to this section shall be considered as having been performed in the Service for purposes of longevity pay, promotion, retirement, compensation for injury or death, and the benefits provided by section 213 of this title. (July 1, 1944, ch. 373, title II, § 214, 58 Stat. 690.)

§ 218. National Advisory Health and Cancer Council; composition; qualifications, appointment, and tenure of office.—(a) The National Advisory Health Council shall consist of fourteen mem-



bers. The Director of the National Institute of Health, and three experts, one each from the Army, the Navy, and the Bureau of Animal Industry, to be detailed by the Secretary of War, the Secretary of the Navy, and the Secretary of Agriculture, respectively, shall be ex officio members of the Council. The Surgeon General, with the approval of the Administrator, shall appoint, without regard to the civil-service laws, ten members of the Council who shall be persons, not otherwise in the employ of the United States, skilled in the sciences related to health. Each appointed member shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed for the remainder of such term. An appointed member shall not be eligible to serve continuously for more than five year but shall be eligible for reappointment if he has not served immediately preceding his reappointment.

(b) The National Advisory Health Council shall advise, consult with, and make recommendations to, the Surgeon General on matters relating to health activities and functions of the Service. The Surgeon General is authorized to utilize the services of any member or members of the Council, and where appropriate, any member or members of the National Advisory Council in connection with matters related to the work of the Service, for such periods, in addition to conference periods, as he may determine.

(c) The National Advisory Cancer Council shall consist of the Surgeon General ex officio, who shall be Chairman, and of six members to be appointed without regard to the civil-service laws by the Surgeon General with the approval of the Administrator. The six appointed members shall be selected from leading medical or scientific authorities who are outstanding in the study, diagnosis, or treatment of cancer. Each appointed member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. An appointed member shall not be eligible to serve continuously for more than three years but shall be eligible for reappointment if he has not served immediately preceding his reappointment. (July 1, 1944, ch. 373, title II, § 217, 58 Stat. 691.)

**§ 251. Medical examination and treatment of Federal employees.**—The Surgeon General is authorized to provide at institutions, hospitals, and stations of the Service medical, surgical, and hospital services and supplies for persons entitled to treatment under sections 751-791 and 793 of Title 5 and extensions thereof. The Surgeon General may also provide for making medical examinations of—

(a) employees of the Alaska Railroad and employees of the Federal Government for retirement purposes;

(b) employees in the Federal classified service, and applicants for appointment, as requested by the Civil Service Commission for the purpose of promoting health and efficiency;



(c) seamen for purposes of qualifying for certificates of service; and

(d) employees eligible for benefits under sections 901-950 of Title 33, as requested by any deputy commissioner thereunder. (July 1, 1944, ch. 373, title III, § 324, 58 Stat. 697.)

## TITLE 43—PUBLIC LANDS

### GEOLOGICAL SURVEY

§ 42. **Distribution of maps and atlases, etc.**—The Director of Geological Survey is authorized and directed, on the approval of the Secretary of the Interior, to dispose of the topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, at such prices and under such regulations as may from time to time be fixed by him and approved by the Secretary of the Interior; and a number of copies of each map or atlas, not exceeding five hundred, shall be distributed gratuitously among foreign governments and departments of our own Government to literary and scientific associations, and to such educational institutions or libraries as may be designated by the Director of the Survey and approved by the Secretary of the Interior. After June 7, 1924, the distribution of geological publications to libraries designated as special depositories of such publications shall be discontinued. (Feb. 18, 1897, No. 13, § 1, 29 Stat. 701; June 7, 1924, ch. 303, 43 Stat. 592.)

### REGISTERS

§ 95. **Repayment of purchase moneys paid under applications rejected.**—Where purchase moneys and commissions paid under any public land law have been or shall be covered into the Treasury of the United States under any application to make any filing, location, selection, entry, or proof, such purchase Moneys and commissions shall be repaid to the person who made such application, entry, or proof, or to his legal representatives, in all cases where such application, entry, or proof has been or shall be rejected, and neither such applicant nor his legal representatives shall have been guilty of any fraud or attempted fraud in connection with such application: *Provided*, That such person or his legal representatives shall file a request for the repayment of such purchase moneys and commissions within two years from the rejection of such application, entry, or proof. (Mar. 26, 1908, ch. 102, § 1 35 Stat. 48; Dec. 11, 1919, ch. 5, 41 Stat. 366.)

§ 96. **Repayment of excess payments.**—In all cases where it shall appear to the satisfaction of the Secretary of the Interior that any person has made any payments to the United States under the public land laws in excess of the amount he was lawfully required to pay under such laws, such excess shall be repaid to such person or to his legal representatives: *Provided*, That such person or his legal representatives shall file a request for the repayment of such excess within two years after the patent has issued for the land embraced in such payment. (Mar. 26, 1908, ch. 102, § 2, 35 Stat. 48; Dec. 11, 1919, ch. 5, 41 Stat. 366.)



**§ 97. Certification of amount of excess moneys and repayment.**—When the Commissioner of the General Land Office shall ascertain the amount of any excess moneys, purchase moneys, or commissions in any case where repayment is authorized by sections 95 and 96 of this title, the Secretary of the Interior shall at once certify such amounts to the Secretary of the Treasury, who is authorized and directed to make repayment of all amounts so certified out of any moneys not otherwise appropriated and issue his warrant in settlement thereof. (Mar. 26, 1908, ch. 102, § 3, 35 Stat. 48; Dec. 11, 1919, ch. 5, 41 Stat. 366.)

**§ 98. Rules and regulations.**—The Secretary of the Interior is authorized to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of sections 95, 96 and 97 of this title into full force and effect. (Mar. 26, 1908, ch. 102, § 4; Dec. 11, 1919, ch. 5, 41 Stat. 367.)

**§ 98a. Application of sections 95-98 to statutes relating to disposition of public lands.**—The provisions of sections 95-98 of this title are made applicable to all payments in excess of lawful requirements made under sections 181-221, 223, 224-236, 241-263 of Title 30, and under any statute relating to the sale, entry, lease, or other disposition of the public lands. (June 27, 1930, ch. 642, 46 Stat. 822.)

#### WITHDRAWAL FROM SETTLEMENT, LOCATION, SALE, OR ENTRY

**§ 141. Withdrawal and reservation of lands for waterpower sites or other purposes.**—The President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including Alaska, and reserve the same for waterpower sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an Act of Congress. (June 25, 1910, ch. 421, § 1, 36 Stat. 847.)

**§ 142. Lands withdrawn open to exploration under mining laws; rights of occupants or claimants of oil- or gas-bearing lands; national forests.**—All lands withdrawn under the provisions of this and the preceding section shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to metalliferous minerals: *Provided*, that the rights of any person who, at the date of any order of withdrawal, is a bona fide occupant or claimant of oil- or gas-bearing lands and who, at such date, is in the diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work: *Provided further*, That this and the preceding section shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil- or gas-bearing lands after any withdrawal of such lands made prior to June 25 1910: *And provided further*, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this and the preceding



section all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any articular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: *And provided further*, That no national forest shall be created, nor shall any additions be made to one created, prior to August 24, 1912, within the limits of the State of California, Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress. (June 25, 1910, ch. 421, § 2, 36 Stat. 847; Aug. 24, 1912, ch. 369, 37 Stat. 497.)

#### CROSS REFERENCE

No national forest to be created within limits of certain states except by act of Congress, see section 471 of Title 16, Conservation.

§ 153. **Reservation of lands in North Dakota.**—Upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly, approved February 5, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, non-mineral public lands as may be selected by said State within its boundaries, not exceeding one thousand two hundred and eighty acres in aggregate area, and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, North Dakota. (July 3, 1916, ch. 219, 39 Stat. 344.)

#### TIMBER AND STONE LANDS

§ 311. **Sale.**—Surveyed public lands of the United States within the public land States, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of \$2.50 per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any bona fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona fide settler, or lands containing gold, silver, cinnabar, cooper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by sections 43-45 and 51 of Title 30, and sections 661 and 932 of this title shall be abrogated by this chapter, section 103 of Title 18, or section 603 of Title 16; and



all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said sections; and such rights shall be expressly reserved in any patent issued under this chapter. (June 3, 1878, ch. 151, § 1, 20 Stat. 89; Aug. 4, 1892, ch. 375, § 2, 27 Stat. 348; May 18, 1898, ch. 344, § 1, 30 Stat. 418.)

#### GRAZING LANDS

**§ 315k. Cooperation with government departments; coordination of range administration.**—The Secretary of the Interior is hereby authorized to cooperate with any department of the Government in carrying out the purposes of sections 315-315m, 315n, 315o and 315o-1 of this title, and in the coordination of range administration, particularly where the same stock grazes part time in a grazing district and part time in a national forest or other reservation. (June 28, 1934, ch. 865, § 12, 48 Stat. 1274.)

**§ 315l. Lands under national-forest administration.**—The President of the United States is authorized to reserve by proclamation and place under national-forest administration in any State where national forests may be created or enlarged by Executive order any unappropriated public lands lying within watersheds forming a part of the national forests which, in his opinion, can best be administered in connection with existing national-forest administration units, and to place under the Interior Department administration any lands within national forests, principally valuable for grazing, which, in his opinion, can best be administered under the provisions of sections 315-315m, 315n, 315o, and 315o-1 of this title: *Provided*, That such reservations or transfers shall not interfere with legal rights acquired under any public-land laws so long as such rights are legally maintained. Lands place under the national-forest administration under the authority of sections 315-315m, 315n, 315o, and 315o-1 of this title shall be subject to all the laws and regulations relating to national forests and lands placed under the Interior Department administration shall be subject to all public-land laws and regulations applicable to grazing districts created under authority of sections 315-315m, 315n, 315o and 315o-1 of this title. Nothing in this section shall be construed so as to limit the powers of the President (relating to reorganizations in the executive departments) granted by sections 124-132 of Title 5. (June 28, 1934, ch. 865, § 13, 48 Stat. 1274.)

**§ 315q. Withdrawal of lands for war purposes; payment for cancellation of permits or licenses.**—Whenever use for war purposes of the public domain or other property owned by or under the control of the United States prevent its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be canceled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war purposes. Such payment shall



be deemed payment in full for such losses. Nothing herein contained shall be construed to create any liability not now existing against the United States. (July 9, 1942, ch. 500, 56 Stat. 654.)

#### RECLAMATION AND IRRIGATION OF LANDS BY FEDERAL GOVERNMENT

§ 420. Use of earth, timber, etc., from other public lands.—In carrying out the provisions of sections 372, 373, 381, 383, 391, 392, 411, 461, 419, 421, 431, 432, 434, 439, 461, 491, and 498 of this title, and in constructing works thereunder, the Secretary of the Interior is hereby authorized to use and to permit the use by those engaged in the construction of works under said law, under rules and regulations to be prescribed by him, such earth, stone, and timber from the public lands of the United States as may be required in the construction of such works, and the Secretary of Agriculture is hereby authorized to permit the use of earth, stone, and timber from the national forests of the United States for the same purpose, under rules and regulations to be prescribed by him. (Feb. 8, 1905, ch. 552, 33 Stat. 706; Mar. 4, 1907, ch. 2907, 34 Stat. 1269.)

§ 433. Character and capital qualification of entrymen.—The Secretary is authorized, under regulations to be promulgated by him, to require of each applicant including preference right ex-service men for entry to public lands on a project, such qualifications as to industry, experience, character, and capital, as in his opinion are necessary to give reasonable assurance of success by the prospective settler. The Secretary is authorized to appoint boards in part composed of private citizens, to assist in determining such qualifications. (Dec. 5, 1924, ch. 4, § 4, subsec. C, 43 Stat. 702.)

#### ADVANCES BY FARM SECURITY ADMINISTRATION AS CAPITAL

Act Aug. 7, 1939, ch. 509, 53 Stat. 1238, as amended June 17, 1940, ch. 390, 54 Stat. 402; May 28, 1941, ch. 136, 55 Stat. 206; Aug. 1, 1942, ch. 540, 56 Stat. 732, provided as follows: "During the fiscal year of 1943, in order to further cooperation between the Bureau of Reclamation and the Farm Security Administration in the development of farm units on public lands under Federal reclamation projects, the Secretary of the Interior is authorized, in pursuance of cooperative agreements between the Secretary of Agriculture and the Secretary of the Interior, (1) to consider the money or any part of the money made available to settlers or prospective settlers by the Farm Security Administration, as all or a portion of the capital required of such settlers under subsection C of section 4 of the Act of December 5, 1924 (43 Stat. 702) (section 433 of this title); and (2) where such farm units have been or may be improved by means of funds made available by the Farm Security Administration, to require an entryman of any such unit to enter into a mortgage contract with the Farm Security Administration to repay the value of such improvements thereon before an entry is allowed."

#### RIGHTS-OF-WAY AND OTHER EASEMENTS IN PUBLIC LANDS

§ 934. Right-of-way through public lands granted to railroads.—The right of way through the public lands of the United States is granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have



filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road. (Mar. 3, 1875, ch. 152, § 1, 18 Stat. 482.)

§ 935. **Several roads through canyons.**—Any railroad company whose right of way, or whose track or roadbed upon such right of way, passes through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of the said canyon, pass, or defile, for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade. And the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway located therein on March 3, 1875, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile. (Mar. 3, 1875, ch. 152, § 2, 18 Stat. 482.)

§ 936. **Condemnation of private land.**—The legislature of the proper Territory may provide for the manner in which private lands and possessory claims on the public lands of the United States may be condemned; and where such provision shall not have been made, such condemnation may be made in accordance with section 3 of the act entitled "An Act to amend an Act entitled 'An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 1, 1862,'" approved July 2, 1864. (Mar. 3, 1875, ch. 152, § 3, 18 Stat. 482.)

§ 937. **Filing profile of road; forfeiture of rights.**—Any railroad company desiring to secure the benefits of sections 934-939 of this title, shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and, if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a profile of its road; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office; and thereafter all such lands over which such right of



way shall pass shall be disposed of subject to such right of way: *Provided*, That if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road. (Mar. 3, 1875, ch. 152, § 4, 18 Stat. 483.)

§ 938. **Lands excepted.**—Sections 934-937 of this title shall not apply to any lands within the limits of any military, park, or Indian reservation, or other lands especially reserved from sale, unless such right of way shall be provided for by treaty-stipulation or by Act of Congress passed prior to March 3, 1875. (Mar. 3, 1875, ch. 152, § 5, 18 Stat. 483.)

§ 939. **Alteration, amendment, or repeal.**—Congress hereby reserves the right at any time to alter, amend, or repeal sections 934-938 of this title, or any part thereof. (Mar. 3, 1875, ch. 152, § 6, 18 Stat. 483.)

§ 940. **Forfeiture of rights where railroad not constructed in 5 years after location.**—Each and every grant of right of way and station grounds made prior to February 25, 1909, to any railroad corporation under sections 934-939 of this title, where such railroad had not been constructed and the period of five years next following the location of said road, or any section thereof, had on that date expired, is declared forfeited to the United States, to the extent of any portion of such located line then remaining unconstructed, and the United States resumes the full title to the lands covered thereby free and discharged from such easement, and the forfeiture declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land conveyed by the United States prior to such date subject to any such grant of right of way or station grounds: *Provided*, That no right of way on which construction was progressing in good faith on February 25, 1909, shall be in any wise affected, validated, or invalidated, by the provisions of this section. (June 26, 1906, ch. 3350, 34 Stat. 482; Feb. 25, 1909, ch. 191, 35 Stat. 647.)

§ 941. **Railroad stations on rights-of-way granted.**—All railroad companies operating railroads through the Territories of the United States over a right of way obtained under any grant or Act of Congress giving to said railroad companies the right of way over public lands of the United States shall be required to establish and maintain passenger stations and freight depots at or within one-fourth of a mile of the boundary limits of all town sites established prior to August 8, 1894, in said Territories on the line of said railroads by authority of the Interior Department. (Aug. 8, 1894, ch. 236, § 1, 28 Stat. 263.)

§ 942. **Time for establishment of stations.**

Section, act Aug. 8, 1894, ch. 236, § 2, 28 Stat. 263, required railroad companies to establish within three months after August 8, 1894, passenger and freight stations in all towns.

§ 946. **Right-of-way to canal and ditch companies for irrigation purposes.**—The right of way through the public lands and reservations of the United States is hereby granted to any canal ditch company, irrigation or drainage district formed for the



purpose of irrigation or drainage, and duly organized under the laws of any State or Territory, and which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation or, if not a private corporation, a copy of the law under which the same is formed and due proof of its organization under the same, to the extent of the ground occupied by the water of any reservoir and of any canals and laterals and fifty feet on each side of the marginal limits thereof, and, upon presentation of satisfactory showing by the applicant, such additional right of way as the Secretary of the Interior may deem necessary for the proper operation and maintenance of said reservoirs, canals, and laterals; also the right to take from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation; and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories. (Mar. 3, 1891, ch. 561, § 18, 26 Stat. 1101; Mar. 4, 1917, ch. 184, § 1, 39 Stat. 1197; May 28, 1926, ch. 409, 44 Stat. 668.)

§ 947. **Maps; damages to settlers.**—Any canal or ditch company desiring to secure the benefits of sections 946-949 of this title shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injuries or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage. (Mar. 3, 1891, ch. 561, § 19, 26 Stat. 1102.)

§ 948. **Application to existing and future canals.**—The provisions of sections 946-949 of this title shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps therein provided for. If such ditch, canal, or reservoir has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in the case of a corporation, with the name of the individual owner or owners thereof, to-



gether with the articles of association, if any there be. Plats filed before March 3, 1891, shall have the benefits of sections 946-949 of this title from the date of their filing, as though filed thereunder: *Provided*, That, if any section of said canal or ditch shall not be completed within five years after the location of said section, the rights therein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture. (Mar. 3, 1891, ch. 561, § 20, 26 Stat. 1102.)

§ 949. **Use for canal or ditch only.**—Nothing in sections 946-949 of this title shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch. (Mar. 3, 1891, ch. 561, § 21, 26 Stat. 1102.)

#### CROSS REFERENCE

Right-of-way of canal company may be used for purposes of a public nature, such as water transportation, domestic purposes, or for development of power, see section 951 of this title.

§ 950. **Right-of-way to canal and ditch companies for irrigation purposes; additional grants.**—In addition to the rights of way granted by sections 946-949 of this title, and subject to the conditions and restrictions therein contained, the Secretary of the Interior is authorized to grant permits or easements for not to exceed five acres of ground adjoining the right of way at each of the locations, to be determined by the Secretary of the Interior, to be used for the erection thereon of dwellings or other buildings or corrals for the convenience of those engaged in the care management of the works provided for by said sections: *Provided*, That this section shall not apply to lands within national forests. (Mar. 1, 1921, ch. 93, 41 Stat. 1194.)

§ 951. **Right-of-way for water transportation, domestic purposes, or development of power.**—Rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 946-949 of this title may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation or drainage. (May 11, 1898, ch. 292, § 2, 30 Stat. 404; Mar. 4, 1917, ch. 184, § 2, 39 Stat. 1197.)

§ 952. **Reservoir sites for water for livestock.**—Any person, livestock company, or transportation corporation engaged in breeding, grazing, driving, or transporting livestock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such livestock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding one hundred and sixty acres, so long as such reservoir is maintained and water kept therein for such purposes: *Provided*, That such reservoir shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.



The Secretary of the Interior, in his discretion, under such rules, regulations, and conditions as he may prescribe, upon application by such person, company, or corporation, may grant permission to fence such reservoirs in order to protect livestock, to conserve water, and to preserve its quality and conditions: *Provided*, That such reservoir shall be open to the free use of any person desiring to water animals of any kind; but any fence, erected under the authority hereof, shall be immediately removed on the order of the Secretary. (Jan. 13, 1897, ch. 11, § 1, 29 Stat. 484; Mar. 3, 1923, ch. 219, 42 Stat. 1437.)

§ 953. **Declaratory statement.**—Any person, livestock company, or corporation desiring to avail themselves of the provisions of sections 952-955 of this title shall file a declaratory statement in the United States land office in the district where the land is situated, which statement shall describe the land where such reservoir is to be or has been constructed; shall state what business such corporation is engaged in; specify the capacity of the reservoir in gallons, and whether such company, person, or corporation has filed upon other reservoir sites within the same county; and if so, how many. (Jan. 13, 1897, ch. 11, § 2, 29 Stat. 484.)

§ 954. **Survey; map.**—At any time after the completion of such reservoir or reservoirs, which shall be constructed and completed within two years after filing such declaratory statement, such person, company, or corporation shall have the same accurately surveyed, as hereinafter provided, and shall file in the United States land office in the district in which such reservoir is located a map or plat showing the location of such reservoir, which map or plat shall be transmitted by the register of said United States land office to the Secretary of the Interior and approved by him, and thereafter such land shall be reserved from sale by the Secretary of the Interior so long as such reservoir is kept in repair and water kept therein. (Jan. 13, 1897, ch. 11, § 3, 29 Stat. 484; Mar. 3, 1925, ch. 462, 43 Stat. 1145.)

§ 955. **Amendment or repeal.**—Congress may at any time amend, alter, or repeal sections 952-955 of this title. (Jan. 13, 1897, ch. 11, § 4, 29 Stat. 484.)

§ 956. **Right-of-way for tramroads, canals, or reservoirs.**—The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of the right of way through the public lands of the United States, not within the limits of any national forest, park, military or Indian reservation, for tramroads, canals, or reservoirs to the extent of the ground occupied by the water of the canals and reservoirs and fifty feet on each side of the marginal limits thereof, or fifty feet on each side of the center line of the tramroad, by any citizen or any association of citizens of the United States engaged in the business of mining or quarrying or cutting timber and manufacturing lumber or for the purposes of furnishing water for domestic, public, and other beneficial uses. (Jan. 21, 1895, ch. 37, 28 Stat. 635; May 11, 1898, ch. 292, § 1, 30 Stat. 404; Mar. 4, 1907, ch. 2907, 34 Stat. 1269.)



§ 957. **Right-of-way to electric-power companies.**—The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way to the extent of twenty-five feet, together with the use of necessary ground, not exceeding forty acres, upon the public lands and national forests of the United States by any citizen or association of citizens of the United States for the purposes of generating, manufacturing, or distributing electric power. (Jan. 21, 1895, ch. 37, § 2; May 14, 1896, ch. 179, 29 Stat. 120; Mar. 4, 1907, ch. 2907, 34 Stat. 1269.)

§ 958. **Rights-of-way for wagon roads or railroads.**—In the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right of way for a wagon road, railroad, or other highway over and across any reservoir site when in his judgment the public interests will not be injuriously affected thereby. (Mar. 3, 1899, ch. 427, § 1, 30 Stat. 1233.)

§ 959. **Rights-of-way for electrical plants, etc.**—The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest, and other reservations of the United States, and the Yosemite, and Sequoia National Parks, and the General Grant grove section of the Kings Canyon National Park, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provisions of sections 1-6, 8 and amendments thereto of Title 47, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any



public land, reservation, or park. (Feb. 15, 1901, ch. 372, 31 Stat. 790; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 41.)

**§ 961. Rights-of-way for electrical poles and lines.**—The head of the department having jurisdiction over the public lands is authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone, and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: *Provided*, That such right of way shall be allowed within or through any national park, national forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided*, That all or any part of such right of way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there was issued, prior to March 4, 1911, a permit for any of the purposes specified herein under any existing law may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations thereafter making application under the provisions of this section. (Mar. 4, 1911, ch. 238, 36 Stat. 1253.)

**§ 962. Right-of-way in Colorado and Wyoming to pipe-line companies.**—The right of way through the public lands of the United States situate in the State of Colorado and in the State of Wyoming outside of the boundary lines of the Yellowstone National Park is granted to any pipe-line company or corporation formed for the purpose of transporting oils, crude or refined, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by said pipe line and twenty-five feet on each side of the center line of the same; also the right to take from the public lands adjacent to the line of said pipe line, material, earth, and stone necessary for the construction of said pipe line. (May 21, 1896, ch. 212, § 1, 29 Stat. 127.)

**§ 963. Same; applications for right-of-way.**—Any company or corporation desiring to secure the benefits of sections 962-965 of this title shall, within twelve months after the location of ten miles of the pipe line, if the same be upon surveyed lands and if the same be upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is



located a map of its line, and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way. (May 21, 1896, ch. 212, § 2, 29 Stat. 127.)

§ 964. **Same; limit of time for completion; forfeiture.**—If any section of said pipe line shall not be completed within five years after the location of said section, the right granted in sections 962-965 of this title shall be forfeited, as to any incomplete section of said pipe line, to the extent that the same is not completed at the date of the forfeiture. (May 21, 1896, ch. 212, § 3, 29 Stat. 127.)

§ 965. **Same; restriction on use.**—Nothing in sections 962-965 of this title shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care. (May 21, 1896, ch. 212, § 4, 29 Stat. 127.)

§ 966. **Right-of-way in Arkansas to pipe-line companies.**—A right of way through the public lands of the United States in the State of Arkansas is granted for pipe-line purposes to any citizen of the United States or any company or corporation authorized by its charter to transport oil, crude or refined, or natural gas which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proof of organization under the same, to the extent of the ground occupied by the said pipe line and ten feet on each side of the center line of same. (April 12, 1910, ch. 155, § 1, 36 Stat. 296.)

§ 967. **Same; applications for right-of-way.**—Any citizen of the United States, company, or corporation desiring to secure the benefits of sections 966-970 of this title shall within twelve months after the location of ten miles of the pipe line, if the same be upon surveyed land, and if the same be upon unsurveyed lands within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its lines, and upon the approval thereof by the Secretary of the Interior, the same shall be noted upon the plats in said office, and thereafter all such land over which such line shall pass shall be disposed of subject to such right of way. (Apr. 12, 1910, ch. 155, § 2, 36 Stat. 296.)

§ 968. **Same; restriction on use.**—Nothing in sections 966-970 of this title shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care. (Apr. 12, 1910, ch. 155, § 3, 36 Stat. 296.)

§ 969. **Same; forfeiture for nonuser, etc.**—If any section of said pipe line shall not be completed within one year after the approval by the Secretary of the Interior of said section, or if any section of said pipe line shall be abandoned or shall not be used for a period of two years, the right of way granted in sections 966-970 of this title as to any uncompleted, abandoned,



or unused section of said pipe line shall be forfeited to the extent that the same is not completed or is abandoned or unused at the date of the forfeiture, without further action or declaration on the part of the Government or any proceedings or judgment of any court. (Apr. 12, 1910, ch. 155, § 4, 36 Stat. 296.)

§ 970. Same; forfeiture for violation of antitrust law.—If any citizen, company, or corporation taking advantage of other benefits of sections 966-970 of this title shall violate sections 1-7 of Title 15, or any amendment thereof, the right of way granted in sections 966-970 of this title shall be forfeited without further action or declaration on the part of the Government or any proceedings or judgment of any court. (Apr. 12, 1910, ch. 155, § 5, 36 Stat. 296.)

§ 971. Bathhouses, hotels, etc., adjacent to mineral, medicinal, etc., springs on public lands.—The Secretary of the Interior, upon such terms and under such regulations as he may deem proper, may permit responsible persons or associations to use and occupy, for the erection of bathhouses, hotels, or other improvements for the accommodation of the public, suitable spaces or tracts of land near or adjacent to mineral, medicinal, or other springs which are located upon unreserved public lands or public lands which have been withdrawn for the protection of such springs: *Provided*, That permits or leases hereunder shall be for periods not exceeding twenty years. (Mar. 3, 1925, ch. 458, 43 Stat. 1133.)

#### UNLAWFUL INCLOSURES OR OCCUPANCY; OBSTRUCTING SETTLEMENT OR TRANSIT

§ 1061. Inclosure of or assertion of right to public lands without title.—All inclosures of any public lands in any State or Territory of the United States, heretofore or to be hereafter made, erected, or constructed by any person, party, association, or corporation, to any of which land included within the inclosure the person, party, association, or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is hereby forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any State or any of the Territories of the United States, without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and prohibited. (Feb. 25, 1885, ch. 149, § 1, 23 Stat. 321.)

§ 1062. Suits for violations of law.—It shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section 1061 of this title is being violated showing a description of the land inclosed with reasonable certainty, not neces-



sarily by metes and bounds nor by governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation as nearly as may be, and by description, if the name cannot on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also conferred on any United States district court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this chapter; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgement, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court. (Feb. 25, 1885, ch. 149, § 2, 23 Stat. 321; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

**§ 1063. Obstruction of settlement on or transit over public lands.**—No person, by force, threats, intimidation, or by any fencing or enclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands: *Provided*, This section shall not be held to affect the right or title of persons, who have gone upon, improved, or occupied said lands under the land laws of the United States, claiming title thereto, in good faith. (Feb. 25, 1885, ch. 149, § 3, 23 Stat. 322.)

**§ 1064. Violations of chapter; punishment.**—Any person violating any of the provisions of this chapter, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding \$1,000, or be imprisoned not exceeding one year, or both, for each offense. (Feb. 25, 1885, ch. 149, § 4, 23 Stat. 322; Mar. 10, 1908, ch. 75, 35 Stat. 40.)

**§ 1065. Summary removal of inclosures.**—The President is authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosure of any of the public lands mentioned in this chapter, and to employ civil or military force as may be necessary for that purpose. (Feb. 25, 1885, ch. 149, § 5, 23 Stat. 322.)



**§ 1066. Permission of Secretary to sue.**—Where the alleged unlawful inclosure includes less than one hundred and sixty acres of land, no suit shall be brought under the provisions of this chapter without authority from the Secretary of the Interior. (Feb. 25, 1885, ch. 149, § 6, 23 Stat. 322.)

## TITLE 44—PUBLIC PRINTING AND DOCUMENTS

### JOINT COMMITTEE ON PRINTING; GENERAL POWERS; CONTRACTS

**§ 14. Purchase of other materials; purchase by departments and governmental agencies.**—The Joint Committee on Printing may permit the Public Printer to authorize any executive department or independent office or establishment of the Government to purchase direct for its use such printing, binding, and blank-book work, otherwise authorized by law, as the Government Printing Office is not able or suitably equipped to execute or as may be more economically or in the better interest of the Government executed elsewhere; and such Joint Committee also may authorize the Public Printer to procure services, materials, and supplies for use of the Government Printing Office without regard to the provisions of section 5 of Title 41 whenever the aggregate amount involved is less than \$50. (Jan. 12, 1895, ch. 23, § 12, 28 Stat. 602; July 8, 1935, ch. 374, § 1, 49 Stat. 475.)

### GOVERNMENT PRINTING OFFICE

**§ 47. Details of employees to executive departments or establishments.**—No employee of the Government Printing Office shall be detailed to duties not pertaining to the work of public printing and binding in any executive department or other Government establishment unless expressly authorized by law. (June 25, 1910, ch. 384, § 1, 36 Stat. 770.)

**§ 59. Machinery, material, equipment, or supplies from other departments.**—Any officer of the Government having machinery, material, equipment, or supplies for printing, binding, and blank-book work, including lithography, photolithography, and other processes of reproduction, which are no longer required or authorized for his service, shall submit a detailed report of the same to the Public Printer, and the Public Printer is hereby authorized, with the approval of the Joint Committee on Printing, to requisition such articles of the character herein described as are serviceable in the Government Printing Office, and the same shall be promptly delivered to that office. (July 19, 1919, ch. 24, § 3, 41 Stat. 233.)

**§ 60. Consolidation of department printing offices.**—All printing offices in the departments in operation on January 12, 1895, or thereafter put in operation, shall be considered a part of the Government Printing Office, and shall be under the control of the Public Printer, who shall furnish all presses, types, imposing stones, and necessary machinery and material for said offices from the general supplies of the Government Printing Office; and all paper and material of every kind used in the said offices for departmental work, except letter and note paper and en-



velopes, shall be supplied by the Public Printer; and all persons employed in said printing offices and binderies shall be appointed by the Public Printer, and be carried on his pay roll the same as employees in the main office, and shall be responsible to him. This section shall not apply to the office in the Weather Bureau, but the Public Printer, with the approval of the Joint Committee on Printing, may abolish such excepted office whenever in their judgment the economy of the public service would be thereby advanced.

All work done in the said offices shall be ordered on blanks prepared for that purpose by the Public Printer, which shall be numbered consecutively, and must be signed by some one designated by the head of the department for which the work is to be done, who shall be held responsible for all work thus ordered, and who shall quarterly report to the head of the department a classified statement of the work done and the cost thereof, which report shall be transmitted to the Public Printer in time for his annual report to Congress. The Public Printer shall show in detail, in his annual report, the cost of operating each departmental office. (Jan. 12, 1895, ch. 23, § 31, 28 Stat. 605; Mar. 6, 1902, ch. 139, § 11, 32 Stat. 53; Apr. 23, 1904, ch. 1485, 33 Stat. 262; Mar. 2, 1907, ch. 2511, 34 Stat. 1158; Mar. 3, 1917, ch. 163, § 1, 39 Stat. 1083.)

§ 61. **Branches of printing office in executive departments.**—No money appropriated by any act shall be used for maintaining more than one branch of the Government Printing Office in any one building occupied by any executive department or departments of the Government, nor shall any branch of the Government Printing Office be established unless specifically authorized by law. (Aug. 1, 1914, ch. 223, § 1, 38 Stat. 673.)

§ 62. **Inks, glues, etc., furnished other departments; payment.**—Inks, glues, and other supplies manufactured by the Government Printing Office in connection with its work may be furnished to departments and other establishments of the Government upon requisition, and payment made from appropriations available therefor. (May 13, 1926, ch. 294, § 1, 44 Stat. 551.)

#### SUPERINTENDENT OF DOCUMENTS; DISTRIBUTION OF DOCUMENTS IN GENERAL

§ 71. **Superintendent of Documents; sale of documents.**—The Public Printer shall appoint a competent person to act as Superintendent of Documents. The Superintendent of Documents so designated and appointed is hereby authorized to sell at cost any public document in his charge, the distribution of which is not herein specifically directed, said cost to be estimated by the Public Printer and based upon printing from stereotyped plates; but only one copy of any document shall be sold to the same person, excepting libraries or schools by which additional copies are desired for separate departments thereof, and members of Congress; and whenever any officer of the Government having in his charge documents published for sale shall desire to



be relieved of the same, he is hereby authorized to turn them over to the Superintendent of Documents, who shall receive and sell them under the provisions of this section. All moneys received from the sale of documents shall be returned to the Public Printer on the 1st day of each month and be by him covered into the Treasury monthly, and the Superintendent of Documents shall report annually the number of copies of each and every document sold by him, and the price of the same. He shall also report monthly to the Public Printer the number of documents received by him and the disposition made of the same. He shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution, excepting those printed for the special official use of the executive departments, which shall be delivered to said departments, and those printed for the use of the two Houses of Congress, which shall be delivered to the folding rooms of said Houses and distributed or delivered ready for distribution to Members and Delegates upon their order by the superintendents of the folding rooms of the Senate and House of Representatives. (Jan. 12, 1895, ch. 23, § 61, 28 Stat. 610.)

**§ 76. Index of documents; number and distribution.**—The Superintendent of Documents shall, at the close of each regular session of Congress, prepare and publish a comprehensive index of public documents, upon such plan as shall be approved by the Joint Committee on Printing; and the Public Printer shall, immediately upon its publication, deliver to him a copy of each and every document printed by the Government Printing Office; and the head of each of the executive departments, bureaus, and offices of the Government shall deliver to him a copy of each and every document issued or published by such department, bureau, or office not confidential in its character. He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index such single volumes of documents as the Joint Committee on Printing shall direct. Of the comprehensive index and of the consolidated index two thousand copies each shall be printed and bound in addition to the usual number, two hundred copies for the use of the Senate, eight hundred copies for the use of the House, and one thousand copies for distribution by the Superintendent of Documents. (Jan. 12, 1895, ch. 23, § 62, 28 Stat. 610.)

**§ 77. Catalogue of Government publications.**—A catalogue of Government publications shall be prepared by the Superintendent of Documents on the 1st day of each month, which shall show the documents printed during the preceding month, where obtainable, and the price thereof. Two thousand copies of such catalogue shall be printed in pamphlet form for distribution. (Jan. 12, 1895, ch. 23, § 69, 28 Stat. 612.)

**§ 78. Documents in charge of departments to be turned over to Superintendent of Documents.**—All public documents accumulating in the several executive departments, bureaus, and offices not needed for official use shall be annually turned over to the Superintendent of Documents for distribution or sale. (Jan. 12, 1895, ch. 23, § 67, 28 Stat. 611.)



**§ 79. Reprinting documents required for sale.**—The Superintendent of Documents is hereby authorized to order reprinted, from time to time, such public documents as may be required for sale, such order for reprinting to be subject to the approval of the Secretary or head of the department in which such public document shall have originated. The appropriation for printing and binding shall be reimbursed for the cost of such reprints from the moneys received by the Superintendent of Documents from the sale of public documents. (Mar. 28, 1904, No. 11, 33 Stat. 584.)

**§ 87. Libraries of executive departments and Military and Naval Academies constituted depositories.**—The libraries of the executive departments, of the United States Military Academy, and United States Naval Academy are hereby constituted designated depositories of Government publications, and the Superintendent of Documents shall supply one copy of said publications, in the same form as supplied to other depositories, to each of said libraries. (Jan. 12, 1895, ch. 23, § 98, 28 Stat. 624.)

**§ 92. Government publications as public property; free use in depositories.**—All Government publications furnished by authority of law to officers (except members of Congress) of the United States Government, for their official use, shall be stamped "Property of the United States Government", and shall be preserved by such officers and by them delivered to their successors in office as a part of the property appertaining to the office. Government publications furnished depository libraries shall be made available for the free use of the general public and must not be disposed of except as the Superintendent of Documents may direct. (Jan. 12, 1895, ch. 23, § 74, 28 Stat. 620; June 20, 1936, ch. 630, § 11, 49 Stat. 1552.)

**§ 93. Exchange of documents.**—Heads of departments are authorized to exchange surplus documents for such other documents and books as may be required by them, when the same can be done to the advantage of the public service. (Jan. 12, 1895, ch. 23, § 95, 28 Stat. 623.)

**§ 95. Distribution of publications to be by Public Printer; mailing lists.**—No money appropriated by any Act shall be used for services in any executive department or other Government establishment at Washington, District of Columbia, in the work of addressing, wrapping, mailing, or otherwise dispatching any publication for public distribution, except maps, weather reports, and weather cards issued by an executive department or other Government establishment at Washington, District of Columbia, or for the purchase of material or supplies to be used in such work; and it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Each head of such executive department and other Government establishment at Washington, District of Columbia, shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, or franked slips, for use in the public distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the



instruction of the head of the department or establishment issuing the publication. Nothing in this section shall be construed as applying to orders, instructions, directions, notices, or circulars of information printed for and issued by any of the executive departments or other Government establishments or to the distribution of public documents by Senators or Members of the House of Representatives or to the folding rooms and document rooms of the Senate or House of Representatives. (Jan. 12, 1895, ch. 23, § 92, 28 Stat. 623; Aug. 23, 1912, ch. 350, § 8, 37 Stat. 414.)

**§ 96. Departmental distribution of documents.**—Government publications printed for or received by the executive departments, whether for official use or for distribution, except such as are required by section 95 of this title to be distributed by the Public Printer, shall be distributed by a competent person detailed to such duty in each department by the head thereof. He shall keep an account in detail of all publications received and distributed by him. He shall prevent duplication, and make detailed report to the heads of the department. (Jan. 12, 1895, ch. 23, § 92, 28 Stat. 623; May 29, 1928, ch. 901, § 1, 45 Stat. 986.)

#### PRINTING AND BINDING GENERALLY

**§ 111. Government printing to be done at Government Printing Office.**—All printing, binding, and blank-book work for Congress, the Executive office, the judiciary, and every executive department, independent office, and establishment of the Government shall be done at the Government Printing Office, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in District of Columbia for the exclusive use of any field service outside of said District. (Jan. 12, 1895, ch. 23, § 87, 28 Stat. 622; Mar. 1, 1919, ch. 86, § 11, 40 Stat. 1270.)

**§ 111a. Same; exception.**—Such printing, binding, and blank-book work authorized by law, as the Public Printer is not able or equipped to do at the Government Printing Office, may be produced elsewhere under contracts made by him with the approval of the Joint Committee on Printing. (Feb. 28, 1929, ch. 367, § 1, 45 Stat. 1400.)

**§ 115. Illustrations and maps in documents and reports; orders for printing acted on within one year.**—No document or report to be illustrated or accompanied by maps shall be printed by the Public Printer until the illustrations or maps designed therefor shall be ready for publication; and no order for public printing shall be acted upon by the Public Printer after the expiration of one year, unless the entire copy and illustrations for the work shall have been furnished within that period. (Jan. 12, 1895, ch. 23, § 80, 28 Stat. 621.)

**§ 116. No printing and binding unless authorized; binding materials.**—No printing or binding shall be done at the Government Printing Office unless authorized by law. Binding for the departments of the Government shall be done in plain sheep or cloth, except that record and account books may be bound in



Russia leather, sheep fleshers, and skivers, when authorized by the head of a department: *Provided*, The libraries of the several departments, the Library of Congress, the libraries of the Surgeon General's Office, the Patent Office, and the Naval Observatory may have books for the exclusive use of said libraries bound in half Turkey, or material no more expensive. (Jan. 12, 1895, ch. 23, § 86, 28 Stat. 622.)

§ 117. **Certificate of necessity; estimate of cost.**—When any department, the Supreme Court, the Court of Claims, or the Library of Congress shall require printing or binding to be done, it shall be on certificate that such work be necessary for the public service; whereupon the Public Printer shall furnish an estimate of the cost by the principal items for such printing or binding so called for, after which requisitions shall be made upon him therefor by the head of such department, the clerk of the Supreme Court, Chief Justice of the Court of Claims, or the Librarian of Congress; and the Public Printer shall place the cost thereof to the debit of such department in its annual appropriation for printing and binding. (Jan. 12, 1895, ch. 23, § 93, 28 Stat. 623.)

§ 118. **Restrictions on use of appropriations for printing and binding for illustrations.**—No part of the appropriations made for printing and binding shall be used for any illustration, engraving, or photograph in any document or report ordered printed by Congress unless the order to print expressly authorizes the same, nor in any document or report of any executive department or other Government establishment until the head of the executive department or government establishment shall certify in a letter transmitting such report that the illustration is necessary and relates entirely to the transaction of public business. (Mar. 3, 1905, ch. 1483, § 1, 33 Stat. 1213.)

#### CONGRESSIONAL PRINTING IN GENERAL

§ 140. **Printing of documents not provided for by law.**—Either House may order the printing of a document not already provided for by law, but only when the same shall be accompanied by an estimate from the Public Printer as to the probable cost thereof. Any executive department, bureau, board, or independent office of the Government submitting reports or documents in response to inquiries from Congress shall submit therewith an estimate of the probable cost of printing to the usual number. Nothing in this section relating to estimates shall apply to reports or documents not exceeding fifty pages. (Jan. 12, 1895, ch. 23, § 2, 28 Stat. 601; Mar. 1, 1907, ch. 2284, § 1, 34 Stat. 1013.)

§ 149. **Congressional Directory.**—There shall be prepared under the direction of the Joint Committee on Printing a Congressional Directory, of which there shall be three editions during each long session and two editions during each short session of Congress. The first edition shall be distributed to Senators, Representatives, Delegates, the principal officers of Congress, and heads of departments on the first day of the



session, and shall be ready for distribution to others within one week thereafter. The number and distribution of such directory shall be under the control of the Joint Committee on Printing. Official correspondence concerning the directory may be had in penalty envelopes under the direction of the Joint Committee. All copies delivered to Senators and Representatives for distribution shall be bound in cloth. (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 617; July 1, 1902, ch. 1351, 32 Stat. 583.)

#### CONGRESSIONAL RECORDS, BILLS, AND LAWS

**§ 183. Congressional Record; gratuitous copies; delivery; subscriptions.**—The Public Printer shall furnish the Congressional Record as follows and shall furnish gratuitously no others in addition thereto:

\* \* \* \* \*

To the library of each executive department, independent office, and establishment of the Government now in Washington, District of Columbia, or which hereafter may be created, except those designated as depository libraries, and to the libraries of the municipal government of the District of Columbia, the Naval Observatory, and the Smithsonian Institution, each, two copies of the daily, one semimonthly copy, and one bound copy.

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All copies of the daily edition shall, unless otherwise directed by the Joint Committee on Printing, to be supplied and delivered promptly on the day after the actual day's proceedings as originally published.

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(Jan. 12, 1895, ch. 23, § 73, 28 Stat. 617; June 11, 1896, ch. 420, § 1, 29 Stat. 454; Mar. 19, 1896, No. 31, 29 Stat. 468; Feb. 17, 1897, No. 12, 29 Stat. 700; Mar. 26, 1900, No. 15, 31 Stat. 713; Mar. 2, 1901, No. 16, §§ 1, 2, 31 Stat. 1464; Jan. 30, 1903, ch. 338, 32 Stat. 786; Mar. 1, 1907, ch. 2284, § 4, 34 Stat. 1014; Mar. 4, 1909, ch. 317, 35 Stat. 1067; Mar. 4, 1909, No. 25, 35 Stat. 1169; Mar. 3, 1925, ch. 421, § 7, 43 Stat. 1106; June 20, 1936, ch. 630, § 3, 49 Stat. 1547.)

**§ 196. Statutes at Large; contents; admissibility in evidence.**—The Secretary of State shall cause to be compiled, edited, indexed, and published, the United States Statutes at Large, which shall contain all the laws and concurrent resolutions enacted during each regular session of Congress; all treaties to which the United States is a party that have been proclaimed since the date of the adjournment of the regular session of Congress next preceding; all international agreements other than treaties to which the United States is a party that have been signed, proclaimed, or with reference to which any other final formality has been executed, since that date; all proclamations by the President in the numbered series issued since that date; and also any amendments to the Constitution of the United States proposed or ratified pursuant to article V thereof since that date, together with the certificate of the Secretary of State issued in compliance



with the provision contained in section 160 of Title 5. In the event of an extra session of Congress, the Secretary of State shall cause all the laws and concurrent resolutions enacted during said extra session to be consolidated with, and published as part of, the contents of the volume for the next regular session. The United States Statutes at Large shall be legal evidence of the laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States. (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 615; Mar. 15, 1898, ch. 68, § 4, 30 Stat. 316; Mar. 2, 1901, No. 16, § 1, 31 Stat. 1464; Apr. 28, 1904, ch. 1791, 33 Stat. 542; Mar. 1, 1907, ch. 2284, § 4, 34 Stat. 1014; Mar. 4, 1907, No. 29, 34 Stat. 1426; Mar. 3, 1925, ch. 421, § 7, 43 Stat. 1106; June 20, 1936, ch. 630, § 9, 49 Stat. 1551; June 16, 1938, ch. 477, § 1, 52 Stat. 760.)

§ 196a. Same; distribution.—The Public Printer shall print, and after the final adjournment of each regular session of Congress, bind and deliver to the Superintendent of Documents as many copies of the Statutes at Large as may be required for distribution as follows:

\* \* \* \* \*

To the Department of Agriculture, not to exceed one hundred copies;

\* \* \* \* \*

(Jan. 12, 1895, ch. 23, § 73, 28 Stat. 615; June 20, 1936, ch. 630, § 9, 49 Stat. 1551; June 16, 1938, ch. 477, § 2, 52 Stat. 761.)

#### EXECUTIVE AND DEPARTMENTAL PRINTING IN GENERAL

§ 212. Reports of departments.—The annual reports of the Executive Departments and the accompanying documents shall be delivered by the printer to the proper officers of each House of Congress at the first meeting thereof; and the reports of the Executive Departments, and the abridgement of accompanying documents, shall be so delivered on or before the third Wednesday in December next after the meeting of Congress, or as soon thereafter as may be practicable. Of the annual reports of the departments to Congress there shall be printed one thousand copies for the Senate and two thousand for the House: *Provided*, That of the reports of the Chief of Engineers of the Army, the Commissioner of Patents, the Commissioner of Internal Revenue, the report of the Chief Signal Officer of the War Department, and the Chief of Ordinance, the usual number only shall be printed. (R. S. § 3810; Jan. 12, 1895, ch. 23, § 73, 28 Stat. 615; Mar. 3, 1925, ch. 421, § 5, 43 Stat. 1106.)

#### DERIVATION

Act June 25, 1864, ch. 155, § 4, 13 Stat. 185.

#### TEMPORARY DISCONTINUANCE OF PRINTING OF REPORTS

The Legislative Branch Appropriation Act, 1941, act June 18, 1940, ch. 396, 54 Stat. 462, contained the following provision: "To keep the expenditures for printing and binding for the fiscal year 1941 within or under the



appropriations for such fiscal year, the heads of the various executive departments and independent establishments are authorized to discontinue the printing of annual or special reports under their respective jurisdictions: *Provided*, That where the printing of such reports is discontinued the original copy thereof shall be kept on file in the offices of the heads of the respective departments or independent establishments for public inspection." Similar provisions were contained in prior appropriation acts, as follows:

- 1939—June 16, 1939, ch. 208, 53 Stat. 839.
- 1938—May 17, 1938, ch. 236, 52 Stat. 397.
- 1937—May 18, 1937, ch. 223, 50 Stat. 186.
- 1936—April 17, 1936, ch. 233, 49 Stat. 1231.
- 1935—July 8, 1935, ch. 374, 49 Stat. 476.
- 1934—May 30, 1934, ch. 372, 48 Stat. 833.

REPEATED.—Act July 1, 1941, ch. 268, § 1, 55 Stat. 464; act June 8, 1942, ch. 396, § 2, 56 Stat. 349; act June 28, 1943, ch. 173, title I, § 102, 57 Stat. 239.

**§ 213. Appropriations for printing not to be exceeded; limitation on number of reports; bureau reports.**—No printing shall be done for the executive departments in any fiscal year in excess of the amount of the appropriation, and none shall be done without a special requisition, signed by the chief of the department and filed with the Public Printer.

Of the annual report of the head of the department without appendices there may be printed in any one fiscal year not to exceed five thousand copies, bound in pamphlet form; and of the reports of the chiefs of bureaus without appendices there may be printed in any one fiscal year not to exceed two thousand five hundred copies, bound in pamphlet form. The Secretary of Agriculture may print such number of copies of the monthly crop report, and of other reports and bulletins containing not to exceed one hundred octavo pages, as he shall deem requisite; and this provision shall apply to the maps, charts, bulletins, and minor reports of the Weather Bureau, which shall be printed in such numbers as the Secretary of Commerce may deem for the best interests of the Government. The Secretary of the Treasury may authorize the printing of the annual report of the Commandant of the Coast Guard, the Secretary of Commerce may authorize the printing of the notices to mariners, tide tables, coast pilots, bulletins, and other special publications of the Coast and Geodetic Survey and of the Coast Guard, and the Secretary of the Navy may authorize the printing of the charts, maps, notices to mariners, tide tables, light lists, sailing directions, bulletins, and other special publications of the Hydrographic Office in such editions as the interest of the Government and of the public may require.

Heads of executive departments shall direct whether reports made to them by bureau chiefs and chiefs of divisions shall be printed or not. (Jan. 12, 1895, ch. 23, § 89, 28 Stat. 622; Mar. 13, 1896, No. 23, 29 Stat. 466; Feb. 14, 1903, ch. 552, §§ 4, 10, 32 Stat. 826, 829; June 17, 1910, ch. 301, §§ 4, 6, 36 Stat. 537, 538; Jan. 28, 1915, ch. 20, §§ 1, 2, 5, 38 Stat. 800-802; Jan. 12, 1923, ch. 25, § 2, 42 Stat. 1130; Mar. 3, 1925, ch. 421, § 4, 43 Stat. 1106; Reorg. Plan No. II, § 2 (a), eff. July 1, 1939, 4 Fed. Reg. 2731, 53 Stat. 1432; Reorg. Plan No. IV, § 8, eff. June 30, 1940, 5 Fed. Reg. 2422, 54 Stat. 1236.)



## TRANSFER OF FUNCTIONS

Reorganization Plan No. II, cited to text, provided: "The Bureau of Lighthouses in the Department of Commerce and its functions are hereby transferred to and shall be consolidated with and administered as a part of the Coast Guard in the Department of the Treasury."

Reorganization Plan No. IV, cited to text, transferred the Weather Bureau in the Department of Agriculture and its functions to the Department of Commerce, to be administered under the direction and supervision of the Secretary of Commerce, with a proviso "That the Department of Agriculture may continue to make snow surveys and to conduct research concerning: (a) relationships between weather and crops, (b) long-range weather forecasting, and (c) relationships between weather and soil erosion."

**§ 214. Appropriations to which cost of printing and binding for executive departments and bureaus to be charged.**—In the printing and binding of documents or reports emanating from the executive departments, bureaus, and independent offices of the Government, the cost of which was, on March 30, 1906, charged to the allotment for printing and binding for Congress, or to appropriations or allotments of appropriations other than those made to the executive departments, bureaus, or independent offices of the Government, the cost of illustrations, composition, stereotyping, and other work involved in the actual preparation for printing, apart from the creation of manuscript, shall be charged to the appropriation or allotment of appropriation for the printing and binding of the department, bureau, or independent office of the Government in which such documents or reports originate; the balance of cost shall be charged to the allotment for printing and binding for Congress, and to the appropriation or allotment of appropriation of the executive department, bureau, or independent office of the Government, in proportion to the number delivered to each; the cost of any copies of such documents or reports distributed otherwise than through Congress, or the executive departments, bureaus, and independent offices of the Government, if such there be, shall be charged as otherwise provided. On or before the 1st day of December in each fiscal year each executive department, bureau, or independent office of the Government to which an appropriation or allotment of appropriation for printing and binding is made, shall obtain from the Public Printer an estimate of the probable cost of all publications of such department, bureau, or independent office required by law to be printed, and so much thereof as would, under the terms of this resolution, be charged to the appropriation or allotment of appropriation of the department, bureau, or independent office of the Government in which such publications originate, shall thereupon be set aside to be applied only to the printing and binding of such documents and reports, and shall not be available for any other purpose until all of such allotment of cost on account of such documents and reports shall have been fully paid. (Mar. 30, 1906, No. 13, 34 Stat. 825.)

**§ 215. Departments to order documents required; limit; bills and resolutions.**—The heads of executive departments, and such executive officers as are not connected with the departments, respectively, shall cause daily examination of the Congressional Record for the purpose of noting documents, reports, and other



publications of interest to their departments, and shall cause an immediate order to be sent to the Public Printer for the number of copies of such publications required for official use, not to exceed, however, the number of bureaus in the department and divisions in the office of the head thereof. The Public Printer shall send to each executive department and to each executive office not connected with the departments, as soon as printed, five copies of all public bills and resolutions, except the State Department, to which shall be sent ten copies of bills and resolutions. When the head of a department desires a greater number of any class of bills or resolutions for official use, they shall be furnished by the Public Printer on requisition promptly made. (Jan. 12, 1895, ch. 23, § 90,, 28 Stat. 623; June 20, 1936, ch. 630, § 14, 49 Stat. 1553.)

**§ 216. Form and style of work for departments.**—The forms and style in which the printing or binding ordered by any of the departments shall be executed, and the material and the size of type to be used, shall be determined by the Public Printer, having proper regard to economy, workmanship, and the purposes for which the work is needed. (Jan. 12, 1895, ch. 23, § 51, 28 Stat. 608.)

**§ 217. Publications for department or officer.**—Whenever printing not bearing a Congressional number shall be done for any department or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character, or shall be done for use of Congressional committees, not of a confidential character, two copies shall be sent, unless withheld by order of the committee, by the Public Printer to the Senate and House libraries, respectively, and one copy each to the document rooms of the Senate and House, for reference; and these copies shall not be removed; and of all publications of the executive departments not intended for their especial use, but made for distribution, as many copies as may be required shall be at once delivered to the Superintendent of Documents for distribution to designated depositories and State and Territorial libraries. (Jan. 12, 1895, ch. 23, § 58, 28 Stat. 610; Mar. 1, 1907, ch. 2284, § 4, 34 Stat. 1014.)

**§ 218. Inserting "compliments" forbidden.**—No report, document, or publication of any kind distributed by or from an executive department or bureau of the Government shall contain any notice that the same is sent with "the compliments" of an officer of the Government, or with any special notice that it is so sent, except that notice that it has been sent, with a request for an acknowledgment of its receipt, may be given. (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 620.)

**§ 219. Restrictions on printing for Executive Departments.**—No head of any Executive Department, or of any bureau, branch, or office of the Government shall cause to be printed, nor shall the Public Printer print, any document or matter except that which is authorized by law and necessary to the public business; and executive officers before transmitting their annual reports, shall carefully examine the same and all accompanying documents, and exclude therefrom all matter, including engravings,



maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports are necessary and relate entirely to the transaction of the public business. (Jan. 12, 1895, ch. 23, § 94, 28 Stat. 623.)

§ 219a. Same; documents beyond scope of ordinary departmental business.—No book or document not having to do with the ordinary business transactions of the Executive Departments shall be printed on the requisition of any Executive Department or unless the same shall have been expressly authorized by Congress. (Mar. 3, 1905, ch. 1484, § 1, 33 Stat. 1249.)

§ 220. Use of executive departments, independent offices, or establishments of appropriations for printing of journals, magazines, periodicals, etc.; number printed; sale to public.—The head of any executive department, independent office, or establishment of the Government is authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary in the transaction of the public business required by law of such department, office, or establishment. There may be printed, in addition to those necessary for such public business, not to exceed two thousand copies for free distribution by the department, office, or establishment issuing the same. The Public Printer shall print such additional copies thereof as may be required for sale to the public by the Superintendent of Documents; but the printing of such additional copies required for sale by the Superintendent of Documents shall be subject to regulations by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government. (May 11, 1922, ch. 189, § 1, 42 Stat. 541; June 30, 1932, ch. 314, § 307, 47 Stat. 409.)

§ 222. Annual reports of executive officers; type.—The annual reports of executive officers shall be printed in the same type and form as the report of the head of the department which it accompanies, unless otherwise ordered by the Joint Committee on Printing. (Jan. 12, 1895, ch. 23, § 91, 28 Stat. 623.)

#### CROSS REFERENCE

Temporary discontinuance of printing of reports, see note to section 212 of this title.

§ 224. Printing documents in two or more editions; requisitions; printing of full number and allotment of full quota.—The number of copies of any public document or report authorized to be printed for any of the executive departments, or bureaus or branches thereof, or independent offices of the Government may be supplied in two or more editions, instead of one, upon a requisition on the Public Printer by the official head of such department or independent office, but in no case shall the aggregate of said editions exceed the number of copies otherwise authorized. Nothing herein shall operate to obstruct the printing of the full number of any document or report, or the allotment of the full quota to Senators and Representatives, as otherwise



authorized, when a legitimate demand for the full complement is known to exist. (Mar. 30, 1906, No. 14, 34 Stat. 826.)

§ 225. **Paper and envelopes for departments, establishments, or services of Government.**—The Public Printer is hereby authorized to procure, under direction of the Joint Committee on Printing, as provided in sections 5-12 of this title, and furnish on requisition paper and envelopes (not including envelopes printed in the course of manufacture) in common use by two or more departments, establishments, or services of the Government in the District of Columbia, and reimbursement therefor shall be made to the Public Printer from appropriations or funds available for such purpose; paper and envelopes so furnished by the Public Printer shall not be procured in any other manner thereafter. (June 7, 1924, ch. 303, § 1, 43 Stat. 592.)

§ 226. **Franks for Department of Agriculture for mailing seeds.**—The Public Printer shall furnish to the Department of Agriculture such franks as the Secretary of Agriculture may require for sending out seeds on congressional orders, the franks to have printed thereon the facsimile signatures of Senators, Representatives, and Delegates, also the names of their respective States or Territories, and the words "United States Department of Agriculture, Congressional Seed Distribution", or such other printed matter as the Secretary of Agriculture may direct; the franks to be of such size and style as may be prescribed by the Secretary of Agriculture; the expense of printing the said franks to be charged to the allotment for printing and binding for the two Houses of Congress. (May 19, 1902, No. 23, 32 Stat. 741.)

§ 227. **Supplies for executive departments.**—The Public Printer is authorized hereafter to procure and supply, on the requisition of the head of any executive department or other Government establishment, complete manifold blanks, books, and forms, required in duplicating processes; also complete patented devices with which to file money-order statements, or other uniform official papers, and to charge such supplies to the allotment for printing and binding of the department or Government establishment requiring the same. (June 28, 1902, ch. 1301, § 1, 32 Stat. 481.)

#### PARTICULAR REPORTS AND DOCUMENTS

§ 241. **Agricultural Department; report of Secretary.**—The annual report of the Secretary of Agriculture shall be submitted and printed in two parts, as follows: Part 1, which shall contain purely business and executive matter which it is necessary for the Secretary to submit to the President and Congress; part 2, which shall contain such reports from the different bureaus and divisions, and such papers prepared by their special agents, accompanied by suitable illustrations as shall, in the opinion of the Secretary, be specially suited to interest and instruct the farmers of the country, and to include a general report of the operations of the department for their information. In addition to the usual number, there shall be printed



of part 1, one thousand copies for the Senate, two thousand copies for the House, and three thousand copies for the Department of Agriculture; and of part 2, one hundred and ten thousand copies for the use of the Senate, three hundred and sixty thousand copies for the use of the House of Representatives, and thirty thousand copies for the use of the Department of Agriculture, the illustrations for the same to be executed under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, said illustrations to be subject to the approval of the Secretary of Agriculture; and the title of each of the said parts shall be such as to show that such part is complete in itself. (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 612.)

§ 242. Same; progress of beet-sugar industry.—The Secretary of Agriculture is authorized to print and distribute annually eight thousand copies of the annual reports covering the progress of the beet-sugar industry: *Provided*, That the preparation and publication of such annual reports shall be within the discretion of the Secretary of Agriculture. (June 30, 1906, No. 51, 34 Stat. 839.)

§ 244. Animal Industry Bureau; report of.—Of the report of the Bureau of Animal Industry, there shall be printed, in addition to the usual number, thirty thousand copies, of which seven thousand shall be for the Senate, fourteen thousand for the House, and nine thousand for distribution by the Agriculture Department. (Jan. 12, 1895, ch. 23, § 73, 28 Stat. 613.)

§ 246. Coast and Geodetic Survey; charts; sale and distribution.—The charts published by the Coast and Geodetic Survey shall be sold at cost of paper and printing as nearly as practicable; and there shall be no free distribution of such charts except to the departments and officers of the United States requiring them for public use; and a number of copies of each sheet, not to exceed three hundred, to be presented to such foreign governments, libraries, and scientific associations, and institutions of learning as the Secretary of Commerce may direct; but on the order of Senators, Representatives, and Delegates not to exceed ten copies to each may be distributed through the Director of the Coast and Geodetic Survey. Charts of the Coast Survey that are obsolete and have been superseded by charts containing more advanced information based on the most recent surveys, may be distributed free to educational institutions, each of such charts to have stamped or printed conspicuously thereon the words "For school use only." (Jan. 12, 1895, ch. 23, § 76, 28 Stat. 620; Feb. 14, 1903, ch. 552, §§ 4, 10, 32 Stat. 826, 829; July 1, 1916, ch. 209, § 1, 39 Stat. 320; June 5, 1920, ch. 235, § 1, 41 Stat. 929.)

§ 280a. Distribution of Official Register.—Of the Official Register there shall be printed, bound, and delivered to the Superintendent of Documents and charged to the Congressional allotment for printing and binding a sufficient number of copies for distribution as follows: To the President of the United States, four copies, one copy of which shall be for the library of the Executive Office; to the Vice President of the United States,



two copies; to each Senator, Representative, Delegate, and Resident Commissioner in Congress, three copies; to the Secretary and the Sergeant at Arms of the Senate and to the Clerk, the Sergeant at Arms, and the Doorkeeper of the House of Representatives, each one copy; to the library of the Senate and the House, each, not to exceed fifteen copies; to the library of the Supreme Court, two copies; to the Library of Congress, for international exchange and for official use in Washington, District of Columbia, not to exceed one hundred and fifty copies; to the municipal library of the District of Columbia, two copies; and to the Commissioners of the District of Columbia, ten copies. The "usual number" shall not be printed.

The head of each executive department, independent office, or establishment of the Government, not mentioned above, desiring copies of the Official Register shall issue, on or before May 1 of each year, a requisition upon the Public Printer for the number of copies of the Official Register necessary to meet its official requirements, the cost of such supply to be charged to the appropriations available for printing and binding for such executive department, independent office, or establishment. (Aug. 28, 1935, ch. 795, §§ 3, 4, 49 Stat. 957.)

#### CROSS REFERENCE

Preparation and publication of Official Register by Civil Service Commission, see section 654 of Title 5, Executive Departments and Government Officers and Employees.

§ 290. **Soils and Chemistry, Bureau of; report on soil area surveys.**—There shall be printed as soon as the manuscript can be prepared with the necessary maps and illustrations to accompany it a report on each soil area surveyed by the Bureau of Chemistry and Soils, Department of Agriculture, in the form of advance sheets bound in paper covers, of which not more than two hundred and fifty copies shall be for the use of each Senator from the State and not more than one thousand copies for the use of each Representative for the congressional district or districts in which a survey is made, the actual number to be determined on inquiry by the Secretary of Agriculture made to the aforesaid Senators and Representatives, and as many copies for the use of the Department of Agriculture as in the judgment of the Secretary of Agriculture are deemed necessary. The total congressional and department edition shall be held for two years by the Superintendent of Documents, who shall distribute the soil surveys within the above limitations according to the requests of the said Senators, Representatives, or department, and at the expiration of the two-year period the residue of the edition shall be turned over to the Department of Agriculture. (Feb. 23, 1901, No. 8, 31 Stat. 1462; June 3, 1902, ch. 985, 32 Stat. 303; Mar. 14, 1904, No. 9, 33 Stat. 583; July 7, 1932, ch. 443, § 1, 47 Stat. 612.)

#### NATIONAL ARCHIVES

§ 300c. **Archives and records of United States; supervision; inspection; cooperation of agencies; requisition; custody and use.**—All archives or records belonging to the Government of



the United States (legislative, executive, judicial, and other) shall be under the charge and superintendence of the Archivist to this extent: He shall have full power to inspect personally or by deputy the records of any agency of the United States Government whatsoever and wheresoever located, and shall have the full cooperation of any and all persons in charge of such records in such inspections, and to requisition for transfer to the National Archives Establishment such archives, or records as the National Archives Council, hereafter provided shall approve for such transfer, and he shall have authority to make regulations for the arrangement, custody, use, and withdrawal of material deposited in the National Archives Building: *Provided*, That any head of an executive department, independent office, or other agency of the Government may, for limited periods, not exceeding in duration his tenure of that office, exempt from examination and consultation by officials, private individuals, or any other persons such confidential matter transferred from his department or office, as he may deem wise. (June 19, 1934, ch. 668, § 3, 48 Stat. 1122.)

#### FEDERAL REGISTER

**§ 301. Custody and printing of Federal documents; "Division" created in Archives Establishment; Director, appointment and compensation.**—The Archivist of the United States, acting through a division established by him in the National Archives Establishment, hereinafter referred to as the "Division", is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 305 of this title. There shall be at the head of the Division a director, appointed by the President, who shall act under the general direction of the Archivist of the United States in carrying out the provisions of this chapter and the regulations prescribed hereunder, who shall receive a salary, to be fixed by the President, not to exceed \$5,000 a year. (July 26, 1935, ch. 417, § 1, 49 Stat. 500.)

**§ 302. Filing documents with "Division"; notation of time; public inspection; transmission for printing.**—The original and two duplicate originals or certified copies of any document required or authorized to be published under section 305 of this title shall be filed with the Division, which shall be open for that purpose during all hours of the working days when the Archives Building shall be open for official business. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided*, That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment



and shall be available for inspection under regulations to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this chapter, one duplicate original or certified copy of each document required or authorized to be published under section 305 of this title. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency. (July 26, 1935, ch. 417, § 2, 49 Stat. 500.)

**§ 303. "Federal Register"; printing; contents; distribution; price.**—All documents required or authorized to be published under section 305 of this title shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal Register." It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required in accordance with the provisions of this chapter and the regulations prescribed hereunder. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 302 of this title, of the day and hour when, upon filing with the Division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 306 of this title without reference to the restrictions placed upon and fixed for the sale of Government publications by sections 72 and 72a of this title. (July 26, 1935, ch. 417, § 3, 49 Stat. 500.)

**§ 304. "Document", "Federal Agency", "Agency", and "person" defined.**—As used in this chapter, unless the context otherwise requires, the term "document" means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed or promulgated by a Federal agency; the terms "Federal agency" or "agency" mean the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government; and the term "person" means any individual, partnership, association, or corporation. (July 26, 1935, ch. 417, § 4, 49 Stat. 501.)

**§ 305. Documents to be published in Federal Register; comments and news items excluded.**—(a) There shall be published in the Federal Register (1) all Presidential proclamations and



Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress: *Provided*, That for the purposes of this chapter every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register. (July 26, 1935, ch. 417, § 5, 49 Stat. 501.)

§ 306. "Administrative Committee"; establishment and composition; powers and duties.—There is established a permanent Administrative Committee of three members consisting of the Archivist or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Division shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this chapter. Such regulations shall provide, among other things: (a) The manner of certification of copies required to be certified under section 302 of this title, which certification may be permitted to be based upon confirmed communications from outside of the District of Columbia; (b) the documents which shall be authorized pursuant to section 305 (b) of this title to be published in the Federal Register; (c) the manner and form in which the Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (d) the number of copies of the Federal Register, which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any Federal agency for their official use, and the number which shall be available for distribution to the public; and (e) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes thereof. (July 26, 1935, ch. 417, § 6, 49 Stat. 501.)

§ 307. Filing document as constructive notice; publication in Register as presumption of validity; judicial notice; citation.—No document required under section 305 (a) of this title to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided in section 302 of this title; and, unless otherwise specifically provided by statute, such filing of any



document, required or authorized to be published under section 305 of this title, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and, (d) that all requirements of this chapter and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number. (July 26, 1935, ch. 417, § 7, 49 Stat. 502.)

**§ 308. Publication in Register as notice of hearing.**—Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of the Congress; or (b) not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable. (July 26, 1935, ch. 417, § 8, 49 Stat. 502.)

**§ 309. Cost of publication; appropriations authorized; franking privilege.**—Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this chapter shall be borne by the appropriations to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer. The purposes for which appropriations are available and are authorized to be made under section 300j of this title are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this chapter. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries



shall be borne by the respective agencies. (July 26, 1935, ch. 417, § 9, 49 Stat. 502.)

§ 310. **Effective date of section 302; time for publication of Register.**—The provisions of section 302 of this title shall become effective sixty days after July 26, 1935, and the publication of the Federal Register shall begin within three business days thereafter: *Provided*, That the appropriations involved have been increased as required by section 309 of this title. The limitations upon the effectiveness of documents required, under section 305 (a) of this title, to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document is first required by this chapter or subsequent Act of the Congress or by Executive order to be published in the Federal Register. (July 26, 1935, ch. 417, § 10, 49 Stat. 503.)

§ 311. **Report by Government agencies of documents issued; publication in supplement to Register.**—(a) On July 1, 1938, and on the same date of every fifth year thereafter, each agency of the Government shall have prepared and shall file with the Administrative Committee a complete codification of all documents which, in the opinion of the agency, have general applicability and legal effect and which have been issued or promulgated by such agency and are in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities on June 1, 1938 or on the same date of every fifth year thereafter. The Committee shall, within ninety days thereafter, report thereon to the President, who may authorize and direct the publication of such codification in special or supplemental editions of the Federal Register.

(b) The Division of the Federal Register shall supervise and coordinate the form, style, arrangement, and indexing of the codifications of the various agencies.

(c) The codified documents of the several agencies published in the supplemental edition of the Federal Register pursuant to the provisions of subsection (a) hereof, as amended by documents subsequently filed with the Division, and published in the daily issues of the Federal Register, shall be prima-facie evidence of the text of such documents and of the fact that they are in full force and effect on and after the date of publication thereof.

(d) The Administrative Committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this section. (July 26, 1935, ch. 417, § 11, 49 Stat. 503; June 19, 1937, ch. 369, 50 Stat. 304; Reorg. Plan No. II, § 202, eff. July 1, 1939, 4 Fed. Reg. 2732, 53 Stat. 1435; Dec. 10, 1942, ch. 717, § 2, 56 Stat. 1045.)

#### AMENDMENTS

1942—Subsec. (a) amended by act Dec. 10, 1942, § 2, cited to text, which added words following "on June 1, 1938" at end thereof.

#### SUSPENSION OF SECTION

Provisions of first sentence of this section were suspended for the duration of the war by section 1 of act Dec. 10, 1942, ch. 717, 56 Stat. 1045, which



provided in part: "The provisions contained in the first sentence of section 11 (a) of the Federal Register (act of July 26, 1935, 49 Stat. 503, as amended, U. S. C., Title 44, sec. 311) are hereby suspended until such time after the termination of the present war as the Administrative Committee of the Federal Register shall determine."

#### ADVERTISEMENTS

**§ 321. Publication of laws discontinued; proclamations and treaties; advertisements for contracts in District of Columbia.**—After March 4, 1875, the laws shall not be published in newspapers. All executive proclamations, and all treaties required by law to be published, shall be published in only one newspaper, the same to be printed and published in the District of Columbia and to be designated by the Secretary of State; and in no case of advertisement for contracts for the public service shall the same be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by such advertisement are to be furnished or performed in said District of Columbia. (R. S. § 79; June 20, 1874, ch. 328, 18 Stat. 90; Feb. 18, 1875, ch. 80 § 1, 18 Stat. 317; July 31, 1876, ch. 246, 19 Stat. 105.)

#### DERIVATION

Acts May 8, 1872, ch. 140, § 1, 17 Stat. 66; June 20, 1874, ch. 328, 18 Stat. 90; June 20, 1874, ch. 334, 18 Stat. 115; June 23, 1874, ch. 456, § 4, 18 Stat. 232; Feb. 18, 1875, ch. 80, § 1, 18 Stat. 317.

**§ 322. Rate of payment for advertisements, notices, and proposals.**—All advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise. But the heads of the several departments may secure lower terms at special rates whenever the public interest requires it. (June 20, 1878, ch. 359, § 1, 20 Stat. 216.)

**§ 323. Advertising in District of Columbia; rate of compensation.**—All advertising required by law to be done in the District of Columbia by any of the departments of the Government shall be given to one daily and one weekly newspaper of each of the two principal political parties and to one daily and one weekly neutral newspaper: *Provided*, That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspapers selected; nor shall any advertisement be paid for unless published in accordance with section 324 of this title. (Jan. 21, 1881, ch. 25, § 1, 21 Stat. 317.)

**§ 324. No advertisement without authority.**—No advertisement, notice, or proposal for any executive department of the Government, or for any bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such department; and no bill for any such advertising, or publication, shall be paid unless there be pre-



sented, with such bill, a copy of such written authority. (R. S. § 3828.)

#### DERIVATION

Act July 15, 1870, ch. 292, § 2, 16 Stat. 308.

#### DISPOSITION OF RECORDS

**§ 364. Redeemed food stamps issued by Surplus Marketing Administration.**—Hereafter, notwithstanding the provisions of sections 351-361 of this title, the Comptroller General of the United States is hereby authorized, in his discretion, to destroy and dispose of stamps issued by the Surplus Marketing Administration of the Department of Agriculture after the said stamps have been paid by the Division of Disbursement of the Treasury Department and audited by the General Accounting Office, either in the field or at the seat of government. (June 27, 1942, ch. 450, § 1, 56 Stat. 411.)

#### SIMILAR PROVISIONS

Similar provisions were contained in act Apr. 5, 1941, ch. 40, § 1, 55 Stat. 112.

**§ 366. Definition of records.**—When used in sections 366-380 of this title, the word "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "records" as used in sections 366-380 of this title. (July 7, 1943, ch. 192, § 1. 57 Stat. 380.)

#### REPEAL OF LAWS INCONSISTENT WITH SECTIONS 366-380

In addition to repealing former sections 315-356, 358-363 of this title, section 16 of act July 7, 1943, cited to text provided: "All other Acts or parts of Acts inconsistent with the provisions of this Act [sections 366-380 of this title] are hereby repealed."

**§ 367. Regulations by the National Archives Council covering lists of records for disposal, procedure for disposal, and standards for reproduction; approval by President.**—The National Archives Council shall promulgate regulations, not inconsistent with sections 366-380 of this title, establishing (1) procedures for the compiling and submitting to the Archivist of the United States of lists and schedules of records proposed for disposal, (2) procedures for the disposal of records authorized for disposal, and (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records. Such regulations, when approved by the President, shall be binding on all agencies of the United States Government. (July 7, 1943, ch. 192, § 2, 57 Stat. 381.)



§ 368. Lists and schedules of records to be submitted to Archivist by head of each Government agency.—The head of each agency of the United States Government shall submit to the Archivist of the United States, in accordance with regulations promulgated as provided in section 367 of this title (1) lists of any records in the custody of the agency that have been photographed or microphotographed in accordance with the said regulations and that, as a consequence thereof, do not appear to have sufficient value to warrant their further preservation by the Government; (2) lists of any other records in the custody of the agency that are not needed by it in the transaction of its current business and that do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government; and (3) schedules proposing the disposal after the lapse of specific periods of time of records of a specified form or character that either have accumulated in the custody of the agency or that may accumulate therein at any time after the submission of such schedules and that apparently will not after the lapse of the period specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government. (July 7, 1943, ch. 192, § 3, 57 Stat. 381.)

§ 369. Lists and schedules of records lacking preservation value; submission to Congress by Archivist.—The Archivist shall submit to Congress, at such times as he shall deem expedient, the lists or schedules submitted to him in accordance with the provisions of section 368 of this title, or parts of such lists or schedules, and lists or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the United States Government: *Provided*, That the Archivist shall not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of such agency. (July 7, 1943, ch. 192, § 4, 57 Stat. 381.)

§ 370. Same; examination by joint congressional committee and report to Congress.—Whenever the Archivist shall submit lists or schedules to Congress, it shall be the duty of the presiding officer of the Senate to appoint two Senators who, with the members of the Committee on the Disposition of Executive Papers of the House of Representatives, shall constitute a joint committee on which all such lists or schedules shall be referred, and the joint committee shall examine such lists or schedules and submit to the Senate and House of Representatives, respectively, a report of such examination and its recommendations. (July 7, 1943, ch. 192, § 5, 57 Stat. 381.)

§ 371. Same; disposal of records by head of Government agency upon notification by Archivist of action by joint congressional committee.—If the joint committee reports that any of the records listed in a list or schedule referred to it do not, or will not after the lapse of the period specified, have sufficient



administrative, legal, research, or other value to warrant their continued preservation by the Government, the Archivist shall notify the head of the agency by which the list or schedule was submitted of the action of the joint committee and the head of such agency shall cause such records to be disposed of in accordance with regulations promulgated as provided in section 367 of this title. (July 7, 1943, ch. 192, § 6, 57 Stat. 381.)

§ 372. Same; disposal of records upon failure of joint congressional committee to act.—If the joint committee fails to make a report during any regular or special session of Congress on any list or schedule submitted to Congress by the Archivist not less than ten days prior to the adjournment of such session, the Archivist may empower the head of the agency who submitted the list or schedule to cause the records listed therein to be disposed of in accordance with regulations promulgated as provided in section 367 of this title. (July 7, 1943, ch. 192, § 7, 57 Stat. 382.)

§ 373. Same; disposal of similar records where prior disposal was authorized.—Whenever it shall appear to the Archivist that any agency has in its custody, or is accumulating, records of the same form or character as any records of the same agency previously authorized by Congress to be disposed of, he may empower the head of such agency to dispose of such records, after they have been in existence a specified period of time, in accordance with regulations promulgated as provided in section 367 of this title and without listing or scheduling them. (July 7, 1943, ch. 192, § 8, Stat. 382.)

§ 374. Preservation of claims of Government until settled in General Accounting Office; disposal authorized upon written approval of Comptroller General.—Records pertaining to claims and demands by the United States or against it, or to any accounts in which the Government of the United States is concerned, either as debtor or creditor, shall not be disposed of by the head of any agency under any authorizations granted pursuant to the provisions of sections 371, 372, and 373 of this title, until such claims, demands, and accounts have been settled and adjusted in the General Accounting Office, except upon the written approval of the Comptroller General of the United States. (July 7, 1943, ch. 192, § 9, 57 Stat. 382.)

§ 375. Disposal of records constituting menace to health, life, or property; report of action by Archivist to agency.—Whenever the Archivist and the head of the agency that has custody of them shall jointly determine that any records in the custody of any agency of the United States Government are a continuing menace to human health or life or to property, the Archivist shall cause such menace to be eliminated immediately by whatever method he may deem necessary. If any records in the custody of the Archivist are disposed of under this section, the Archivist shall report the disposal thereof to the agency from which they were transferred. (July 7, 1943, ch. 192, § 10, 57 Stat. 382.)

§ 376. Destruction of records outside continental United States in time of war or when hostile action seems imminent;



**written report to Archivist.**—At any time during the existence of a state of war between the United States and any other nation or when hostile action by a foreign power appears imminent, the head of any agency of the United States Government may authorize the destruction of any records in his legal custody situated in any military or naval establishment, ship, or other depository outside the territorial limits of continental United States (1) the retention of which would be prejudicial to the interests of the United States or (2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation: *Provided*, That within six months after the disposal of any such records, the official who directed the disposal thereof shall submit a written report thereon to the Archivist in which he shall describe the character of such records and state when and where the disposal thereof was accomplished. (July 7, 1943, ch. 192, § 11, 57 Stat. 382.)

**§ 377. Regular reports to Congress by Archivist.**—The Archivist shall transmit to Congress at the beginning of each regular session reports as to the records authorized for disposal under the provisions of section 372 of this title and as to the records disposed of under the provisions of sections 374 and 375 of this title. (July 7, 1943, ch. 192, 12, 57 Stat. 382.)

**§ 378. Photographs or microphotographs of records considered as originals; certified reproductions admissible as evidence.**—Photographs or microphotographs of any records made in compliance with regulations promulgated as provided in section 367 of this title shall have the same force and effect as the originals thereof would have and shall be treated as the originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs. (July 7, 1943, ch. 192, § 13, 57 Stat. 382.)

**§ 379. Moneys from sale of records as payable into the Treasury.**—All moneys derived by agencies of the Government from the sale of records authorized for disposal under the provisions of sections 366-380 of this title shall be paid into the Treasury of the United States unless otherwise required by existing law applicable to the agency. (July 7, 1943, ch. 192, § 14, 57 Stat. 383.)

**§ 380. Procedures for disposal of records as exclusive.**—The procedures herein prescribed are exclusive and no records of the United States Government shall be alienated or destroyed except in accordance with the provisions of sections 366-380 of this title. (July 7, 1943, ch. 192, § 15, 57 Stat. 383.)

## TITLE 45—RAILROADS

### CARE OF ANIMALS IN TRANSIT

**§ 71. Transportation of animals; time of confinement; unloading for rest and feeding; unloading sheep.**—No railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose



road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner, into properly equipped pens, for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which cannot be anticipated or avoided by the exercise of due diligence and foresight: *Provided*, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to thirty-six hours. In estimating such confinement, the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this chapter to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated: *Provided*, That it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours. (June 29, 1906, ch. 3594, § 1, 34 Stat. 607.)

§ 72. Animals unloaded to be fed and watered by or at expense of owner; lien.—Animals so unloaded shall be properly fed and watered during such rest either by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or by the owners or masters of boats or vessels transporting the same, at the reasonable expense of the owner or person in custody thereof, and such railroad, express company, car company, common carrier other than by water, receiver, trustee, or lessee of any of them, owners or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, collectible at their destination in the same manner as the transportation charges are collected, and shall not be liable for any detention of such animals, when such detention is of reasonable duration, to enable compliance with section 71 of this title, but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor, if he so desires. (June 29, 1906, ch. 3594, § 2, 34 Stat. 608.)

§ 73. Penalty for failure to comply with law; when provisions for unloading not to apply.—Any railroad, express company, car



company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or the master or owner of any steam, sailing, or other vessel who knowingly and willfully fails to comply with the provisions of sections 71 and 72 of this title shall for every such failure be liable for and forfeit and pay a penalty of not less than \$100 nor more than \$500: *Provided*, That when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest the provisions in regard to their being unloaded shall not apply. (June 29, 1906, ch. 3594, § 3, 34 Stat. 608.)

§ 74. **Penalty recoverable by civil action; duty of district attorneys to prosecute.**—The penalty created by section 73 of this title shall be recovered by civil action in the name of the United States in the district court holden within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of United States attorneys to prosecute all violations of this chapter reported by the Secretary of Agriculture, or which come to their notice or knowledge by other means. (June 29, 1906, ch. 3594, § 4, 34 Stat. 608; Mar. 3 1911, ch. 231, § 291, 36 Stat. 1167.)

## TITLE 46—SHIPPING

### TRANSPORTATION OF PASSENGERS AND MERCHANDISE BY STEAM VESSELS

§ 466a. **Rules as to accommodations for export animals.**—The Secretary of Agriculture is authorized to examine all vessels which are to carry export cattle, horses, mules, asses, sheep, goats, or swine from the ports of the United States to foreign countries, and to prescribe by rules and regulations or orders the accommodations which said vessels shall provide for export cattle, horses, mules, asses, sheep, goats, or swine as to space, ventilation, fittings, food and water supply, and such other requirements as he may decide to be necessary for the safe and proper transportation and humane treatment of such animals. (Mar. 3, 1891, ch. 521, § 1, 26 Stat. 833; May 28, 1928, ch. 824, 45 Stat. 789.)

§ 466b. **Violation of rules; penalty.**—Whenever the owner, owners, or master of any vessel carrying export cattle, horses, mules, asses, sheep, goats, or swine shall willfully violate or cause or permit to be violated any rule, regulation, or order made pursuant to section 466a of this title the vessel in respect of which such violation shall occur may be prohibited from again carrying cattle, horses, mules, asses, sheep, goats, or swine from any port of the United States for such length of time, not exceeding one year, as the Secretary of Agriculture may direct, and such vessel shall be refused clearance from any port of the United States accordingly. (Mar. 3, 1891, ch. 521, § 2, 26 Stat. 833; May 28, 1928, ch. 824, 45 Stat. 790.)

### MERCHANT MARINE ACT, 1936

§ 1241. **Officers and employees of Government required to travel on American ships.**—Any officer or employee of the United



States traveling on official business overseas or to or from any of the possessions of the United States shall travel and transport his personal effects on ships registered under the laws of the United States where such ships are available unless the necessity of his mission requires the use of a ship under a foreign flag: *Provided*, That the Comptroller General of the United States shall not credit any allowance for travel or shipping expenses incurred on a foreign ship in the absence of satisfactory proof of the necessity therefor. (June 29, 1936, ch. 858, title IX, § 901, 49 Stat. 2015.)

#### SUSPENSION DURING 1944

Act Dec. 23, 1943, ch. 380, title III, § 302, 57 Stat. 642, provided for the suspension of the requirements of this section during 1944.

## TITLE 47—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

### TELEGRAPHS

§ 1. Use of public domain.—Any telegraph company organized, under the laws of any State, shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States over and along any of the military or post roads of the United States which have been or may hereafter be declared such by law, and over, under, or across the navigable streams or waters of the United States; but such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post roads. (R. S. § 5263.)

#### DERIVATION

Acts July 24, 1866, ch. 230, § 1, 14 Stat. 221; Feb. 20, 1877, ch. 63, 19 Stat. 232.

§ 2. Use of materials from public lands.—Any telegraph company organized under the laws of any State shall have the right to take and use from the public lands through which its lines of telegraph may pass, the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of its lines of telegraph, and may preempt and use such portion of the unoccupied public lands subject to preemption through which their lines of telegraph may be located as may be necessary for their stations, not exceeding forty acres for each station; but such stations shall not be within fifteen miles of each other. (R. S. § 5264.)

#### DERIVATION

Act July 24, 1866, ch. 230, § 1, 14 Stat. 221.

§ 3. Government priority in transmission of messages.—Telegrams between the several departments of the Government and their officers, relating exclusively to the public business, in their transmission over the lines of any telegraph company to which has been given the right-of-way, timber, or station lands from the public domain, shall have priority over all other business at such rates as the Federal Communications Commission shall an-



nually fix. No part of any appropriation for the several departments of the Government shall be paid to any company which neglects or refuses to transmit such telegrams in accordance with the provisions of this section: *Provided*, That nothing in this section shall limit the authority of the Federal Communications Commission, under section 202 (b) of this title, as amended, with respect to the classification of communications and the prescribing of different charges for different classes of communications, and such authority of the Federal Communications Commission to fix rates for Government communications may be exercised with respect to any or all communications to which section 201 (b) of this title, as amended, and this section apply: *Provided further*, That the term "Government" as used in section 201 (b) of this title, as amended, and the term "departments of the Government" as used in this section, shall be held to refer only to the established departments, independent establishments, and agencies in the legislative, executive and judicial branches of the Federal Government. (R. S. § 5266; June 19, 1934, ch. 652, § 601, 48 Stat. 1101; Mar. 6, 1943, ch. 10, § 6, 57 Stat. 12.)

## DERIVATION

Acts July 24, 1866, ch. 230, § 2, 14 Stat. 221; June 8, 1872, ch. 335, § 17, 17 Stat. 287; June 10, 1872, ch. 415, § 1, 17 Stat. 366, 367.

§ 4. Purchase of lines.—The United States may, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all companies acting under the provisions of sections 1-6 of this title, at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Federal Communications Commission of the United States, two by the company interested, and one by the four so previously selected. (R. S. § 5267; June 19, 1934, ch. 652, § 601, 48 Stat. 1101.)

## DERIVATION

Acts July 24, 1866, ch. 230, § 3, 14 Stat. 221; June 23, 1874, ch. 461, 18 Stat. 250.

§ 5. Acceptance of obligation to be filed.—Before any telegraph company shall exercise any of the powers or privileges conferred by law such company shall file their written acceptance with the Federal Communications Commission of the restrictions and obligations required by law. (R. S. § 5268; June 19, 1934, ch. 652, § 601, 48 Stat. 1101.)

## DERIVATION

Acts July 24, 1866, ch. 230, § 4, 14 Stat. 222; June 23, 1874, ch. 461, 18 Stat. 250.

§ 6. Rights not transferable.—The rights and privileges granted under the provisions of sections 1-5 of this title shall not be transferred by any company acting thereunder to any other corporation, association, or person. (R. S. § 5265.)

## DERIVATION

Act July 24, 1866, ch. 230, § 3, 14 Stat. 221.

§ 7. Transmission of telegrams by railroads.—Telegrams are authorized to be transmitted by railroad companies which may



have telegraph lines, and which shall file their written acceptance of the restrictions and obligations imposed on telegraph companies by sections 1-6 and 8 of this title, for the Government and for the general public, at rates to be fixed by the Government, according to the provisions of sections 1-6 and 8 of this title. (June 23, 1879, ch. 35, § 1, 21 Stat. 31.)

§ 8. Refusal to transmit dispatches.—Whenever any telegraph company, after having filed its written acceptance with the Federal Communications Commission of the restrictions and obligations required by this section and sections 1-6 of this title, shall, by its agents or employees, refuse or neglect to transmit any such telegraphic communications as are provided for by law, such telegraph company shall be liable to a penalty of not less than \$100 and not more than \$1,000 for each such refusal or neglect, to be recovered by an action or actions at law in any district court of the United States. (R. S. § 5269; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 252; June 19, 1934, ch. 652, § 601, 48 Stat. 1101.)

#### DERIVATION

Acts June 10, 1872, ch. 415, § 1, 17 Stat. 366, 367; Feb. 20, 1877, ch. 63, 19 Stat. 232; Feb. 27, 1877, ch. 69, 19 Stat. 252.

#### WIRE OR RADIO COMMUNICATIONS

§ 210. Franks and passes; free service to governmental agencies in connection with national defense.

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(b) Nothing in this chapter or in any other provision of law shall be construed to prohibit common carriers from rendering to any agency of the Government free service in connection with the preparation for the national defense: *Provided*, That such free service may be rendered only in accordance with such rules and regulations as the Commission may prescribe therefor. (June 19, 1934, ch. 652, § 210, 48 Stat. 1073; June 25, 1940, ch. 422, 54 Stat. 570.)

### TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

#### ALASKA

#### MISCELLANEOUS PROVISIONS

##### EX. ORD. NO. 9181. ADMINISTRATION OF THE FEDERAL GOVERNMENT SERVICES IN ALASKA

Ex. Ord. No. 9181, June 11, 1942, 7 F. R. 4467, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (Public Law 354, 77th Congress) (sections 601-622 of Appendix to Title 50, War), and as President of the United States and Commander-in-Chief of the Army and Navy, and by reason of the strategic importance of the Territory of Alaska in the present war, and for the purposes of (a) promoting the safety of the citizens of the Territory of Alaska and of the entire North American continent, (b) securing the more effective exercise and more efficient administration by the President of his powers as Commander-in-Chief of the Army and Navy and as President, and (c) facilitating coordination of Federal civil policies, plans, and activities in the Territory of Alaska with the policies, plans, and activities of the military authorities responsible for the defense of the Territory, it is hereby ordered as follows:



1. The ex-officio Commissioners for Alaska designated by the Secretaries of the Interior, Agriculture, and Commerce under the Act of February 10, 1927 (44 Stat. 1068, 5 U. S. C. § 119), an official to be designated by the Federal Security Administrator, and an official to be designated by the Federal Works Administrator, shall be invested by such respective Secretaries and Administrators with authority and responsibility as their representatives for making decisions requisite to the prompt performance of the duties of such departments and agencies, and to meeting emergencies requiring any such department or agency to furnish special services, in the Territory of Alaska, hereafter called Alaska. The said Commissioners and officials shall, for the purposes of this order, be special representatives in Alaska of their respective departments and agencies.

2. The special representatives provided for in section 1 hereof, together with the Governor of Alaska, a person to be designated by the Attorney General of the United States, and a resident of Alaska to be elected by such special representatives, Governor, and person, shall constitute an Alaska War Council, hereafter called the Council, with organization, functions, and duties as follows:

(a) The Governor of Alaska shall be the Chairman of the Council. The Council shall elect one of its members to serve as Vice-Chairman of the Council.

(b) The Council shall meet at the call of the Chairman or, when the Chairman is unable to act, at the call of the Vice-Chairman or, as hereinafter provided, at the request of the military authorities. Meetings shall be held as the demands of the war emergency may require, but not less often than bi-monthly.

(c) It shall be the duty of the Council, and of the said special representatives with regard to programs and progress in their respective fields of activity, to maintain close liaison with the military authorities in Alaska to the end that for the duration of the war the conduct of Federal civil activities shall be brought into closest possible conformity with military requirements.

(d) The Council shall consult from time to time with the Alaska representatives of the National Resources Planning Board.

(e) The Council shall make such recommendations to the military and other Federal authorities as it deems desirable relative to coordination of Federal civil activities with the military program and relative to the safety and security of the civilian population of Alaska. Any such recommendations made to the military authorities shall be submitted through the appropriate liaison officers hereinafter provided for.

3. The Governor of Alaska, as Chairman of the Council, shall keep the President informed with regard to major steps proposed or adopted for the protection of the civilian population of Alaska: *Provided*, That confidential or secret information concerning military operations shall be transmitted through military channels only.

4. In connection with the activities of the Army and Navy forces in Alaska, the commanding officers of such forces and other military authorities shall, to the fullest extent possible, give consideration to civilian needs and problems arising from the war situation in Alaska. To this end the Department of War and the Department of the Navy shall each designate a responsible liaison officer who shall meet with the Council and to whom the Council and said special representatives shall have ready access. The said liaison officers, acting either jointly or singly, are authorized to request a meeting of the Council, whereupon it shall be convened.

5. The heads of civil Federal departments, agencies, independent establishments, and Government-owned corporations conducting activities in Alaska, or their special representatives designated in accordance with this order, shall conform with such requests as the Secretary of War may deem necessary for the effective utilization in the prosecution of the war of the services, personnel, equipment, and facilities of any such agency, independent establishment, or corporation, or of any bureau, office or other administrative unit of any such department. The Secretary of War, in the formulation of any such requests, shall coordinate with the Secretary of the Navy with regard to all matters of interest to the Department of the Navy.

6. This order shall become effective as of the date hereof and shall continue in force and effect so long as Title I of the First War Powers Act, 1941 (sections 601-622 of Appendix to Title 50, War), remains in force.



## ALASKA GAME LAW

**§ 91. Powers and duties of Secretary of Commerce and Secretary of Agriculture.**

Section, act May 31, 1920, ch. 217, 41 Stat. 716, transferred the duties of the Secretary of Commerce with regard to certain fur bearing animals to the Secretary of Agriculture: vested in the Secretary of Commerce certain powers relating to walruses and sea lions; and confirmed the authority of the Secretary of Commerce with respect to fur seals, sea otters and the natives and fur bearing animals of the Pribilof Islands. These functions, with the possible exception of those relating to walruses and sea lions, were subsequently transferred to the Secretary of the Interior by Reorg. Plan No. II, § 4 (e), (f), eff. July 1, 1939, 4 Fed. Reg. 2731, 53 Stat. 1433.

## PUERTO RICO

**EX. ORD. No. 9383. COORDINATION OF FUNCTIONS AND POLICIES OF FEDERAL CIVIL AGENCIES IN PUERTO RICO AND THE VIRGIN ISLANDS**

Ex. Ord. No. 9383, Oct. 5, 1943, 8 F. R. 13781, provided:

1. Each Federal civil agency performing services in Puerto Rico or in the Virgin Islands shall make current reports to the Secretary of the Interior concerning the work of such agency in such manner and form and at such times as may be prescribed by the Secretary of the Interior.

2. The Secretary of the Interior shall make such recommendations to the heads of Federal civil agencies so reporting as may in his judgment serve to correlate the work of such agencies in Puerto Rico and in the Virgin Islands, eliminate unessential Federal activities, assist insular agencies to assume increasing responsibility in civil administration, meet more efficiently the needs of the people of Puerto Rico and the Virgin Islands for essential Federal services, and implement the policies of the United States with respect to its island possessions.

3. The Secretary of the Interior shall from time to time report to the President and to the Congress concerning the actions taken pursuant to this order.

4. This order shall not be applicable to United States District Judges, United States Attorneys, and United States Marshals.

## CANAL ZONE BIOLOGICAL AREA

**§ 1383. Board of Directors; succession; compensation.**—The Secretary of War, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Smithsonian Institution, the President of the National Academy of Sciences and three distinguished biologists of the United States of America, appointed by the President of the National Academy of Sciences with the approval of the Secretaries of War, Agriculture, Interior, and the Smithsonian Institution, shall constitute the Board of Directors of the Canal Zone Biological Area. The President of the National Academy of Sciences shall be the chairman of the Board and the Secretary of the Smithsonian Institution the vice chairman. The biologists of distinction appointed by the President of the National Academy of Sciences shall each serve for a term of three years: *Provided*, That of the first three appointed, one shall be designated to serve for one year, one for two years, and one for three years. Vacancies in appointed membership occurring from any cause shall be filled in the same manner as the appointment and for the same period. The members of the Board of Directors of the Canal Zone Biological Area shall serve without compensation but subsistence and travel expenses incident to attendance of called meetings of the Board may, on appropriate action of the



Board, be paid from funds available to it. (July 2, 1940, ch. 516, § 3, 54 Stat. 724.)

## TERRITORIAL PROVISIONS OF A GENERAL NATURE

§ 1461. Members of legislature; restrictions—bigamist.—No polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States has exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory, or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States. (Mar. 22, 1882, ch. 47, § 8, 22 Stat. 31.)

## TITLE 49—TRANSPORTATION

### LEGISLATION SUPPLEMENTARY TO "INTERSTATE COMMERCE ACT".

§ 60. Divesting prison-made goods of interstate character.—Five years after January 19, 1929, all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal and/or reformatory institutions, except commodities manufactured in Federal penal and correctional institutions for use by the Federal Government, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise. (Jan. 19, 1929, ch. 79, §§ 1, 2, 45 Stat. 1084.)

### CROSS REFERENCE

Offenses in transporting convict-made goods, see section 396a et seq. of Title 18, Criminal Code and Criminal Procedure.

§ 65. Government traffic; rates.—(a) Notwithstanding any other provision of law, but subject to the provisions of sections 1 (7) and 22 of this title, as amended, the full applicable commercial rates, fares, or charges shall be paid for transportation by any common carrier subject to chapters 1, 8, and 12 of this title of any persons or property for the United States, or on its behalf, except that the foregoing provision shall not apply to the transportation of military or naval property of the United States moving for military or naval and not for civil use or to the transportation of members of the military or naval forces of the United States (or of property of such members) when such members are traveling on official duty; and the rate determined by the Interstate Commerce Commission as reasonable therefor shall be paid for the transportation by railroad of the United States



mail: *Provided, however,* That any carrier by railroad and the United States may enter into contracts for the transportation of the United States mail for less than such rate: *Provided further,* That section 5 of Title 41 shall not hereafter be construed as requiring advertising for bids in connection with the procurement of transportation services when the services required can be procured from any common carrier lawfully operating in the territory where such services are to be performed.

(b) If any carrier by railroad furnishing such transportation, or any predecessor in interest, shall have received a grant of lands from the United States to aid in the construction of any part of the railroad operated by it, the provisions of law with respect to compensation for such transportation shall continue to apply to such transportation as though subsection (a) of this section had not been enacted until such carrier shall file with the Secretary of the Interior, in the form and manner prescribed by him, a release of any claim it may have against the United States to lands, interests in lands, compensation, or reimbursement on account of lands or interests in lands which have been granted, claimed to have been granted, or which it is claimed should have been granted to such carrier or any such predecessor in interest under any grant to such carrier or such predecessor in interest as aforesaid. Such release must be filed within one year from September 18, 1940. Nothing in this section shall be construed as requiring any such carrier to reconvey to the United States lands which have been heretofore patented or certified to it, or to prevent the issuance of patents confirming the title to such lands as the Secretary of the Interior shall find have been heretofore sold by any such carrier to any innocent purchaser for value or as preventing the issuance of patents to lands listed or selected by such carrier, which listing or selection has heretofore been fully and finally approved by the Secretary of the Interior to the extent that the issuance of such patents may be authorized by law. (Sept. 18, 1940, ch. 722, title II, 321, 54 Stat. 954.)

#### CROSS REFERENCE

Former section 65, act Jan. 19, 1929, ch. 79, § 1, 45 Stat. 1084, is now section 60.

§ 66. Same; payment for transportation for Government; deduction of overpayments.—Payment for transportation of the United States mail and of persons or property for or on behalf of the United States by any common carrier subject to chapters 1, 8, and 12 of this title, as amended, or chapter 9 of this title, shall be made upon presentation of bills therefor, prior to audit or settlement by the General Accounting Office, but the right is hereby reserved to the United States Government to deduct the amount of any overpayment to any such carrier from any amount subsequently found to be due such carrier. (Sept. 18, 1940, ch. 722, title III, § 322, 54 Stat. 955.)

#### CIVIL AERONAUTICS ACT

§ 424. Authorization of expenditures and travel.

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(c) Travel by personnel of the United States Government on commercial aircraft, domestic or foreign, including travel between airports and centers of population or posts of duty when incidental to travel on commercial aircraft, shall be allowed at public expense when authorized or approved by competent authority, and transportation requests for such travel may be issued upon such authorizations. Such expense shall be allowed without regard to comparative costs of transportation by aircraft with other modes of transportation. (June 23, 1938, ch. 601, § 204, 52 Stat. 983; Reorg. Plan No. III, § 7, eff. June 30, 1940, 5 Fed. Reg. 2109, 54 Stat. 1233; Reorg. Plan No. IV, § 7, eff. June 30, 1940, 5 Fed. Reg. 2421, 54 Stat. 1235.)

§ 675. Cooperation with Government agencies.—The Board, and the Administrator of Civil Aeronautics may avail themselves of the assistance of the National Advisory Committee for Aeronautics and any research or technical agency of the United States on matters relating to aircraft fuel and oil and to the design, materials, workmanship, construction, performance, maintenance, and operation of aircraft, aircraft engines, propellers, appliances, and air navigation facilities. Each such agency is authorized to conduct such scientific and technical researches, investigations, and tests as may be necessary to aid the Board, and the Administrator of Civil Aeronautics in the exercise and performance of their powers and duties. Nothing contained in this chapter shall be construed to authorize the duplication of the laboratory research activities of any existing governmental agency. (June 23, 1938, ch. 601, § 1105, 52 Stat. 1027; Reorg. Plan No. III, § 7, eff. June 30, 1940, 5 Fed. Reg. 2109, 54 Stat. 1233; Reorg. Plan No. IV, § 7, eff. June 30, 1940, 5 Fed. Reg. 2421, 54 Stat. 1235.)

#### TRAINING OF CIVIL AIRCRAFT PILOTS

§ 751. Short title.—This chapter may be cited as the “Civilian Pilot Training Act of 1939.” (June 27, 1939, ch. 244, § 1, 53 Stat. 855.)

§ 756. Cooperation of other agencies; loan or transfer of personnel and equipment.—Any executive department or independent establishment is hereby authorized to cooperate with the Authority in carrying out the purposes of this chapter, and for such purposes may lend or transfer to the Authority, by contract or otherwise, or if so requested by the Authority, lend to educational institutions or other persons cooperating with the Authority in the conduct of any such training or program, civilian officials, experts, or employees, aircraft and other property or equipment, and lands or buildings under its control and in excess of its own requirements. (June 27, 1939, ch. 244, § 6, 53 Stat. 856.)

### TITLE 50—WAR

#### COUNCIL OF NATIONAL DEFENSE

§ 1. Creation, purpose, and composition of council.—A Council of National Defense is hereby established, for the coordination of industries and resources for the national security and welfare,



to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. (Aug. 29, 1916, ch. 418, § 2, 39 Stat. 649.)

§ 2. **Advisory commission.**—The Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work. (Aug. 29, 1916, ch. 418, § 2, 39 Stat. 649.)

§ 3. **Duties of council.**—It shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation. (Aug. 29, 1916, ch. 418, § 2, 39 Stat. 649; Nov. 9, 1921, ch. 119, § 3, 42 Stat. 212.)

§ 4. **Rules and regulations; subordinate bodies and committees.**—The Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed. (Aug. 29, 1916, ch. 418, § 2, 39 Stat. 650.)



§ 5. Reports of activities and expenditures.—Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however,* That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized. (Aug. 29, 1916, ch. 418, § 2, 39 Stat. 650.)

#### ARSENALS, ARMORIES, ARMS, AND WAR MATERIALS

§ 61. Arms and ammunition issued to protect public property; reimbursement of War Department.—Upon the request of the head of any department or independent agency of the Government, the Secretary of War be, and he is hereby, authorized to issue arms, suitable accouterments for use therewith, and ammunition whenever they may be required for the protection of the public money and property, and they may be delivered to any officer of the department or independent agency designated by the head of such department or independent agency, to be accounted for to the Secretary of War, and to be returned when the necessity for their use has expired: *Provided, however,* That hereafter the cost of all ammunition issued, the cost of replacing borrowed arms and accouterments which are lost or destroyed or are irreparable, the cost of repairing arms and accouterments returned to the War Department, and the cost to the War Department of making and receiving shipments under the authority of this section shall be covered by transfer of funds from the department or independent agency concerned to the credit of War Department funds. (Mar. 3, 1879, ch. 183, 20 Stat. 412; Apr. 14, 1937, ch. 79, 50 Stat. 63.)

§ 75. Payment for transfers of ordnance or stores to bureaus or departments.—When authorized transfers or sales of ordnance or ordnance stores are made to another bureau of the War Department, or to another executive department of the Government, payment therefor shall be made by the proper disbursing officer of the bureau, office, or department concerned. When the transaction is between two bureaus of the War Department, the price to be charged shall be the cost price of the stores, including the cost of inspection. When the transaction is between the Ordnance Department and another executive department of the Government, the price to be charged shall include the cost price of the stores and the costs of inspection and transportation. (Aug. 24, 1912, ch. 391, § 1, 37 Stat. 589.)

§ 80. Procurement of war material; mobilization of industries. The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government,



In addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition, or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms, ammunitions, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is authorized to take immediate possession of any such plant or plants, and through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding \$50,000.

The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just.

The Secretary of War shall also make, or cause to be made, a complete list of all privately owned plants in the United States equipped to manufacture arms or ammunition, or the component



parts thereof. He shall obtain full and complete information regarding the kind of arms or ammunition, or the component parts thereof, manufactured or that can be manufactured by each such plant, the equipment in each plant, and the maximum capacity thereof. He shall also prepare, or cause to be prepared, a list of privately owned manufacturing plants in the United States capable of being readily transformed into ammunition factories, where the capacity of the plant is sufficient to warrant transforming such plant or plants into ammunition factories in time of war or when war shall be imminent; and as to all such plants the Secretary of War shall obtain full and complete information as to the equipment of each such plant, and he shall prepare comprehensive plans for transforming each such plant into an ammunition factory, or a factory in which to manufacture such parts of ammunition as in the opinion of the Secretary of War such plant is best adapted.

The President is authorized, in his discretion, to appoint a Board on Mobilization of Industries Essential for Military Preparedness, nonpartisan in character, and to take all necessary steps to provide for such clerical assistance as he may deem necessary to organize and coordinate the work hereinbefore described. (June 3, 1916, ch. 134, § 120, 39 Stat. 213, 214.)

#### POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. No. 9280, following section 514 of Title 5, Executive Departments and Government Officers and Employees.

**§ 95. Research, experimentation, and development of rotary-wing and other aircraft; appropriation, reports and recommendation; construction.**—In the interest of adequate national defense and the further interest of the needs of other governmental activities and of American commercial and civil aeronautics for rotary-dash wing and other aircraft development there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$2,000,000 to remain available until expended for the purpose of rotary-wing and other aircraft research, development, procurement, experimentation, and operation for service testing.

The Secretary of War is authorized and directed to proceed immediately with said research, development, procurement, experimentation, and operation for service testing and further to allot such sums from this fund to other Federal departments or agencies as he, in his judgment and discretion and within the limits herein prescribed, may deem advisable for the furtherance of these purposes.

The following agencies of the Federal Government are hereby authorized and directed to submit to the Secretary of War plans for research, development, procurement, experimentation, and operation for service testing of rotary-wing and other aircraft. Upon presentation of plans, together with estimates of requirements, the Secretary of War will approve, apportion, and allot the necessary funds which in his discretion may appear proper for each respectively.



The agencies referred to are:

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(b) In the Department of Agriculture, the Bureau of Entomology and Plant Quarantine, and the Forest Service.

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Such of the agencies as are approved by the Secretary of War for the purpose of carrying out the provisions of the section and to whom the Secretary of War in accordance with the provisions of this section shall allocate funds are hereby directed to report at the end of each fiscal year or at such times as the Secretary of War may direct, showing the progress of the work in hand, future programs, if any, and, recommendations. Special emphasis in these reports shall be placed on the utility of rotary-wing and other aircraft at the present time and the promise this type of aircraft holds for the future in the opinion of the chief of each agency concerned.

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(June 30, 1938, ch. 852, 52 Stat. 1255.)

#### ACQUISITION OF AND EXPENDITURES ON LAND FOR NATIONAL-DEFENSE PURPOSES

§ 171a. **Methods of acquiring title; condemnation, purchase, and donation; real property for war purposes.**—The Secretary of War, the Secretary of the Navy, or any other officer, board, commission, or governmental corporation authorized by the President, may acquire by purchase, donation, or other means of transfer, or may cause proceedings to be instituted in any court having jurisdiction of such proceedings, to acquire by condemnation, any real property, temporary use thereof, or other interest therein, together with any personal property located thereon or used therewith, that shall be deemed necessary, for military, naval, or other war purposes, such proceedings to be in accordance with the Act of August 1, 1888 (25 Stat. 357) [Title 40, §§ 257, 258], or any other applicable Federal statute, and may dispose of such property or interest therein by sale, lease, or otherwise, in accordance with section 1 (b) of the Act of July 2, 1940 (54 Stat. 712) [section 1171 (b) of Appendix to this title]. Upon or after the filing of the condemnation petition, immediate possession may be taken and the property may be occupied, used, and improved for the purposes of this Act [this section and section 171 of this title], notwithstanding any other law. Property acquired by purchase, donation, or other means of transfer may be occupied, used, and improved, for the purposes of this section prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes, as amended [Title 33, § 723; Title 34, § 520; Title 40, § 255; Title 50, § 175]. July 2, 1917, ch. 35, § 2, as added Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title II, § 201, 56 Stat. 177.)

#### TITLE 50—WAR APPENDIX

##### SELECTIVE TRAINING AND SERVICE ACT OF 1940

Act Sept. 16, 1940, 3:08 P. M., E.S.T., ch. 720, 54 Stat. 885.

§ 301. **Declaration of emergency and policy; ordering National Guard to active service.**—(a) The Congress hereby declares that



it is imperative to increase and train the personnel of the armed forces of the United States.

(b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

(c) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916 (June 3, 1916, ch. 134, 39 Stat. 166), as amended, that it is essential that the strength and organization of the National Guard, as an integral part of the first-line defenses of this Nation, be at all times maintained and assured. To this end, it is the intent of the Congress that whenever the Congress shall determine that troops are needed for the national security in excess of those of the Regular Army and those in active training and service under section 3 (b) (section 303 (b) of this appendix), the National Guard of the United States, or such part thereof as may be necessary, shall be ordered to active Federal service and continued therein so long as such necessity exists. (Sept. 16, 1940, 3:08 p. m., E. S. T., ch. 720, § 1, 54 Stat. 885.)

**§ 302. Registration of male citizens and alien residents; age limitations.**—Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and sixty-five, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder (As amended Dec. 20, 1941, ch. 602, § 1, 55 Stat. 844.)

#### REGISTRATION DATES

The President called for registration of male citizens and alien residents under the terms of the Selective Training and Service Act of 1940 as amended, on the following dates: United States on Oct. 16, 1940, by Proc. No. 2425; Hawaii on Oct. 26, 1940 by Proc. No. 2430; Puerto Rico on Nov. 20, 1940 by Proc. No. 2431; Alaska on Jan. 22, 1941 by Proc. No. 2442; United States and Territories on July 1, 1941 by Proc. 2486; United States and the Territories of Alaska and Hawaii, and in Puerto Rico on Feb. 16, 1942 by Proc. No. 2535; United States and the Territories of Alaska and Hawaii, and in Puerto Rico on April 27, 1942, by Proc. No. 2541; United States and the Territories of Alaska and Hawaii and in Puerto Rico on June 30, 1942, by Proc. 2558; United States, Alaska, Hawaii and Puerto Rico, for 18 year olds, on Dec. 11th, 18th, and 26th, 1942, and thereafter all others on their eighteenth birthday, by Proc. No. 2572.

The President called for registration of all male citizens of the United States outside Continental United States, the Territory of Alaska, the Territory of Hawaii, and Puerto Rico born after Dec. 31, 1898, and prior to Jan. 1, 1926 between Nov. 16, 1943, and Dec. 31, 1943, and all persons born after Jan. 1, 1926, on the day they attain their eighteenth birthday by Proc. No. 2597, Oct. 26, 1943, 8 F. R. 14596.

**§ 305a. Deferment of persons employed by the Federal Government—**(a) **Consideration of requests for deferment.**—In the classification, reclassification, or deferment, under section 5 (c) (2) or section 5 (e) of the Selective Training and Service Act of 1940, as amended (sections 305 (c) (2) and 305 (e) of this



Appendix), of persons employed in or under the Federal Government, no consideration shall be given to the fact that any such person is so employed, unless a request for the deferment of such person shall have been made (1) in accordance with the provisions of Executive Order Numbered 9309, dated March 6, 1943, in the case of persons employed in the executive branch of the Government, or (2) in accordance with the provisions of subsection (b) of this section in the case of persons employed in the judicial or legislative branches of the Government.

\* \* \* \* \*

(Apr. 8, 1943, ch. 33, 57 Stat. 57.)

EX. ORD. No. 9309—CONTROLLING GOVERNMENT REQUESTS FOR THE SELECTIVE SERVICE DEFERMENT OF FEDERAL EMPLOYEES

Ex. Ord. No. 9309, March 6, 1943, 8 F. R. 2911, provided:

By virtue of the authority vested in me by the Constitution and statutes (including the Selective Training and Service Act of 1940, as amended) (sections 301-318 of this Appendix) as President of the United States, and in order to further the prosecution of the war by conserving and most effectively utilizing manpower and by systematizing the handling of necessary, selective service occupational deferment of employees in the Executive branch of the Federal Government, it is ordered as follows:

I. LIMITATIONS ON RIGHT TO REQUEST OCCUPATIONAL DEFERMENT

1. No agency shall request the selective service deferment of any employee on occupational grounds except in accordance with the provisions of this Order. No employee shall initiate a request for his own deferment on occupational grounds or advocate the making of such a request in his own behalf.

2. No such request shall be made unless it is determined, in the manner herein provided, that the employee's civilian services are essential in that the loss thereof would substantially impair activities essential to the war effort (including necessary supporting activities and the maintenance of the national health, safety, and interest). In determining whether such an employee's services are thus essential, consideration shall be given to all relevant factors, including the actual effectiveness of the employee, the difficulty of replacing him, his age, his qualifications, his assignment to duties outside the continental United States and the length of his service in the position he occupies or in positions with comparable duties.

3. No such request shall be made for a period longer than is deemed to be absolutely necessary nor for a period of more than six months.

II. ESTABLISHMENT OF COMMITTEES

1. The Chairman of the War Manpower Commission (hereinafter referred to as the Chairman) shall designate with the approval of the President a chairman and two members of a War Manpower Commission committee to be known as the Review Committee on Deferment of Government Employees (hereinafter referred to as the Review Committee). Such Committee shall be subject to the supervision and direction of the Chairman.

2. The head of each agency shall designate a Committee on Deferment of Government Employees (hereinafter referred to as an Agency Committee), of three to five members possessing a comprehensive view of the needs of the agency. For the purposes of this Order the Government of the District of Columbia shall be deemed to be an agency. Each Agency Committee shall be subject to the supervision and direction of the head of the agency.

3. When authorized by the Review Committee, the head of any agency may also designate regional committees whenever the number and geographical distribution of the personnel of the agency make such action desirable. Within their respective areas such regional committees shall have the authority and responsibility of an Agency Committee; and as used in this Order the term "Agency Committee" shall include a regional committee established under this section.



### III. DESIGNATION OF KEY POSITIONS

1. Each Agency Committee, with the approval of the head of the agency, shall submit to the Review Committee for its approval a list of those positions in the agency deemed necessary to carry out activities essential to the war effort or to necessary supporting activities. All such positions approved by the Review Committee shall be known as "key positions." The Review Committee, either on its own motion or upon recommendation made by the Agency Committee and approved by the head of the agency, may revise the list of key positions of that agency as conditions warrant.

2. Key positions shall be limited to positions involving serious difficulty of replacement because a scarcity of available qualified personnel exists and because any incumbent of the position must have had, in order to perform the duties effectively, an extended period of training or specialized experience. The designation of key positions shall be further governed by the following criteria:

a. The work is of a responsible administrative, executive, or supervisory character in activities directly related to the war effort, or to the essential maintenance of orderly government (including the maintenance of the health, morale, and security of the Nation); or

b. The work is a part of the actual production, transportation, or handling of war materials, equipment, or commodities, or of the maintenance or operation of war equipment, or of the transportation of war personnel; or

c. The work is of a professional, semi-professional, or highly specialized character, requiring extended training, in an occupation where a known scarcity of manpower exists; or

d. The work usually requires male employees because of peculiar circumstances or requisite physical abilities, including the occupations of seamen, investigatory agents, forest rangers, border patrolmen, prison guards, and other comparable occupations wherein replacement within necessary age limits is difficult.

### IV. REQUESTS FOR DEFERMENT

1. In accordance with the provisions of this Order, and subject to the limitations set forth in Part I hereof, an Agency Committee may, in cases not covered by the Replacement Schedule procedure set forth in paragraph 5 of this Part, prepare and submit to the appropriate local selective service board a request for the occupational deferment of—

a. Any employee of the agency who occupies a key position and whose civilian services are essential within the meaning of paragraph 2 of Part I hereof.

b. Any employee of the agency not occupying a key position whose civilian services are essential within the meaning of paragraph 2 of Part I hereof, if unusual and special circumstances such as the employee's unique fitness for the work or unique familiarity with a specific project in the course of completion make such deferment request necessary. No request for deferment shall be made under this subparagraph except with the prior specific approval of the Review Committee.

2. Subject to the conditions set forth in this Order, the Agency Committees shall make all requests for selective service occupational deferment of employees of their respective agencies, and shall prepare and submit such requests to local selective service boards in accordance with selective service regulations.

3. In preparing the prescribed selective service form for submitting a request for occupational deferment to the local selective service board, the Agency Committee shall enter on such form the words "Government Request," and shall also indicate thereon the name of the agency and the subordinate part thereof in which the registrant is employed.

4. In any case in which a Government request for deferment is denied by a local selective service board, the Agency Committee concerned shall at once file an appeal from such action. The appeal shall stay the induction of the employee affected until final decision in the case.

5. The Chairman, upon his own motion or upon recommendation made by an Agency Committee and approved by the head of the agency, shall determine, after consultation with the Review Committee, those manufacturing, servicing, operating, and transporting activities of an agency or part thereof with respect to such deferment problems can be best met through use of manning tables and replacement schedules. He shall thereupon direct the



head of the agency concerned to prepare and use, with respect to those activities or organizations. manning tables and replacement schedules, in accordance with the regulations prescribed by the Chairman. Such agency or part thereof shall thereafter be exempt from the provisions of Part III of this Order (providing for the designation of key positions) and the provisions of this Order governing the making of requests for deferment of employees to the extent and in the respects provided in the regulations of the Chairman.

#### V. VOLUNTARY ENTRANCE INTO ARMED FORCES

1. Unless an Agency Committee has requested or would request deferment of an employee under this Order, the agency, upon his request, shall grant him a release to enter the armed forces voluntarily in a commissioned or enlisted status.

2. If an Agency Committee has requested or would request deferment of an employee under this Order, the agency shall deny him such a release unless it is determined that:

a. The employee is likely to be assigned to active combat service; or

b. The employee's skills and ability probably will be utilized equally or more effectively in the armed forces.

3. In the case of an employee who is in a deferred classification, or who is not subject to induction, for reasons unrelated to his occupation, such a release shall be granted or denied without regard to such reasons, in accordance with the provisions of paragraphs 1 and 2 of this Part.

4. When an Agency Committee denies release of an employee, such action shall upon his request be reviewed by the Review Committee. The Agency Committee shall be notified of the final decision, and if the denial is affirmed, such committee shall immediately notify the employee's local selective service board.

#### VI. DEPENDENCY—OCCUPATIONAL RECLASSIFICATION

Agency Committees may make requests for the selective service reclassification from Class III-A to Class III-B of employees other than those engaged in occupations designated by the Chairman as non-deferable. Such requests shall be made in accordance with standards, to be prescribed by the Chairman, for determining the relationship of employees' activities to the war effort, which standards shall conform, as nearly as may be, to the standards applicable to such reclassification in the case of persons not in the Federal service.

#### VII. GENERAL PROVISIONS

1. Under regulations to be prescribed by the Chairman, the Agency Committee in each agency shall supervise the preparation and maintenance, on a current basis, of adequate statistics on the selective service status of its male employees, and on related matters, which shall be summarized and reported to the Review Committee at periodic intervals.

2. Heads of agencies shall issue special instructions to insure that an employee will immediately report through proper channels any change in his selective service status or the receipt of notice to report for induction.

3. Each agency shall plan and carry out an orderly program of replacement and training occasioned by the entry or prospective entry of employees into the armed forces, on the basis of the information provided for in paragraph 1 of this Part of this Order.

4. The Chairman shall from time to time make recommendations to the Director of the Bureau of the Budget, based on information and experience acquired in the administration of this Order, for the effective utilization of the services of Government employees with respect to the conservation of manpower.

5. Under regulations to be prescribed by the Chairman, the several agencies shall submit to the Review Committee periodic reports concerning all action taken under this Order. The Review Committee shall currently review such reports and shall consult with Agency Committees with respect to any departures from this Order. The Review Committee may also designate representatives to attend meetings of Agency Committees. Such representatives shall at all times have full access to all records of such Committees.

6. The Chairman shall report to the President, at intervals of not more than three months, with respect to the administration of this Order and shall



make recommendations to the President with respect to such modifications of this Order as he may deem advisable.

7. The Chairman may suspend the authority of any Agency Committee to submit requests for deferment if the Agency Committee submits requests in violation of this Order.

8. A request for deferment of an employee may be cancelled by the Review Committee if it determines that the request was made in violation of this Order.

9. The Chairman shall furnish copies of this Order to all local selective service boards.

10. The Chairman may delegate any of his duties and powers under this Order to any officer or employee of the War Manpower Commission and may utilize the services of any Federal officer, employee, or agency.

11. The Chairman shall prescribe such regulations as may be necessary to carry out the purposes of this Order, including such additional criteria for the designation of key positions as he may deem necessary.

**§ 305b. Monthly reports to Congress by Director of Selective Service.**—The Director of Selective Service shall obtain full and complete information from various agencies, departments, and branches of the Federal Government, and from other sources, concerning requests for deferment, deferments, exemptions, rejections, discharges, inductions, enlistments, replacement schedules, and other matters with respect to registrants, whether or not they are members of the armed forces, or whether or not they are Government or private employees; and he shall report that information, together with the manner in which the provisions of the Selective Training and Service Act of 1940, as amended (section 301 et. seq. of this Appendix), are being administered, to the Senate and House Committees on Military Affairs monthly or at such intervals as the Committees may designate from time to time. (Dec. 5, 1943, ch. 342, § 6, 57 Stat. 599.)

**§ 308. Service and health certificates; employment and re-employment provisions; voting during service.**—(a) Any person inducted into the land or naval forces under this Act for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 3 (b) (303 (b) of this Appendix) shall be entitled to a certificate to that effect upon the completion of such period of training and service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is inducted into the land or naval forces under this Act for training and service shall be given a physical examination at the beginning of such training and service; and upon the completion of his period of training and service under section 3 (b) (303 (b) of this Appendix), each such person shall be given another physical examination and, upon the written request of the person concerned, shall be given a statement of medical record by the War Department: *Provided*, That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary of War or the Secretary of the Navy would prove injurious to the physical or mental health of the person to whom it pertains.

(b) In the case of any such person who, in order to perform such training and service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to per-



form the duties of such position, and (3) makes application for reemployment within ninety days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

\* \* \* \* \*

(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of training and service in the land or naval forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after such restoration.

(d) Section 3 (c) of the point resolution entitled "Joint Resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service", approved August 27, 1940 (section 403 (c) of this appendix), is amended to read as follows:

"(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of active military service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was ordered into such service, and shall not be discharged from such position without cause within one year after such restoration."

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(Sept. 16, 1940, 3:08 P. M., E. S. T., ch. 720, § 8, 54 Stat. 890); July 28, 1942, ch. 529 § 2, 56 Stat. 724); Dec. 8, 1944, ch. 548, § 1 58 Stat. 798.)

**§ 309. Conscription of industry.**—The President is empowered, through the head of the War Department or the Navy Department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual firm, company, association, corporation, or organized manufacturing industry.

Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company,



corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts therefore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition or parts of ammunition, or any necessary supplies or equipment for the Army or Navy, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War or the Secretary of the Navy shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War or the Secretary of the Navy, or who shall refuse to furnish such arms, ammunition, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War or the Secretary of the Navy, as the case may be, then, and in either such case, the President, through the head of the War or Navy Departments of the Government, in addition to the present authorized methods of purchase or procurement, is hereby authorized to take immediate possession of any such plant or plants, and through the appropriate branch, bureau, or department of the Army or Navy to manufacture therein such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and a fine not exceeding \$50,000.

The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant.

The first and second provisos in section 8 (b) of the Act entitled "An Act to expedite national defense, and for other purposes", approved June 28, 1940 (Public Act Numbered 671, Seventy-sixth Congress) (set out in note preceding section 1 of Title 4), are hereby repealed.

The power of the President under the foregoing provisions of this section to take immediate possession of any plant upon a



failure to comply with any such provisions, and the authority granted by this section for the use and operation by the United States or in its interests of any plant of which possession is so taken, shall also apply as hereinafter provided to any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required for the war effort or which may be useful in connection therewith. Such power and authority may be exercised by the President through such department or agency of the Government as he may designate, and may be exercised with respect to such plant, mine, or facility whenever the President finds, after investigation, and proclaims that there is an interruption of the operation of such plant, mine, or facility as a result of a strike or other labor disturbance, that the war effort will be unduly impeded or delayed by such interruption, and that the exercise of such power and authority is necessary to insure the operation of such plant, mine, or facility in the interest of the war effort: *Provided*, That whenever any such plant, mine, or facility has been or is hereafter so taken by reason of a strike, lockout, threatened strike, threatened lock-out, work stoppage, or other cause, such plant, mine, or facility shall be returned to the owners thereof as soon as practicable, but in no event more than sixty days after the restoration of the productive efficiency thereof prevailing prior to the taking of possession thereof: *Provided further*, That possession of any plant, mine, or facility shall not be taken under authority of this section after the termination of hostilities in the present war, as proclaimed by the President, or after the termination of the War Labor Disputes Act; and the authority to operate any such plant, mine, or facility under the provisions of this section shall terminate at the end of six months after the termination of such hostilities as so proclaimed. (Sept. 16, 1940, 3:08 p. m. E. S. T., ch. 720 §9, 54 Stat. 892; June 25, 1943, ch. 144, § 3, 57 Stat. 164.)

#### POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. No. 9280, following section 514 of Title 5, Executive Departments and Government Officers and Employees.

#### CROSS REFERENCES

Termination of amendment by act June 25, 1943, six months after war, see section 1510 of this Appendix.

Terms of employment at, and interference with, Government-operated plants, see sections 1504-1506 of this Appendix.

#### SERVICE EXTENSION ACT OF 1941

Res. Aug. 18, 1941, Ch. 362, 55 Stat. 626-628

§ 357. Extension of reemployment benefits under section 308 of this Appendix.—Any person who, subsequent to May 1, 1940, and prior to the termination of the authority conferred by section 2 of this joint resolution (section 352 of this Appendix), shall have entered upon active military or naval service in the land or naval forces of the United States shall be entitled to all the reemployment benefits of section 8 of the Selective Training and Service Act of 1940, as amended, (section 308 of this Appendix)



to the same extent as in the case of persons inducted under said Act (sections 301-318 of this Appendix): *Provided*, That the provisions of section 8 (b) (A) of said Act (section 308 (b) (A) of this Appendix) shall be applicable to any such person without regard to whether the position which he held shall have been covered into the classified civil service during the period of his military or naval service. (Aug. 18, 1941, ch. 362, § 7, 55 Stat. 627, as amended Dec. 8, 1944, ch. 548, § 3, 58 Stat. 799.)

#### ARMY RESERVE AND RETIRED PERSONNEL SERVICE LAW OF 1940

Res. Aug. 27, 1940, Ch. 689, 54 Stat. 858

§ 403. Service and health certificates; reemployment after completion of service; resignation of personnel with dependents.

—(a) Any member of any reserve component of the land or naval forces who is on active duty or who may be assigned to active duty and who, in the judgment of those in authority over him, satisfactorily completes such active duty, and any person so ordered into the active military service of the United States who, in the judgment of those in authority over him, satisfactorily completes the period of service required under this joint resolution, shall be entitled to a certificate to that effect upon the completion of such active duty or such period of service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is assigned to such active duty or ordered into such active military service shall be given a physical examination at the beginning of such active duty or service; and upon the completion of the period of such active duty or service, each such person shall be given another physical examination and, upon the written request of the person concerned, shall be given a statement of medical record by the War Department: *Provided*, That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary of War or the Secretary of the Navy would prove injurious to the physical or mental health of the person to whom it pertains.

(b) In the case of any such person who, in order to perform such active duty or such service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within ninety days after he is relieved from such active duty or service or from hospitalization continuing after discharge for a period of not more than one year—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status and pay;

\* \* \* \* \*

(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of active military service, shall be so restored without loss of seniority, shall be entitled to participate



in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was ordered into such service, and shall not be discharged from such position without cause within one year after such restoration.

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(Aug. 27, 1940, ch. 689, § 3, 54 Stat. 859, Sept. 16, 1940, ch. 720, § 8, (d), (f), 54 Stat. 891; July 28, 1942, ch. 529, § 1, 56 Stat. 723; Dec. 8, 1944, ch. 548, § 2, 58 Stat. 799.)

### FIRST WAR POWERS ACT, 1941

ACT DEC. 18, 1941, CH. 593, 55 STAT. 838

#### TITLE I.—COORDINATION OF EXECUTIVE BUREAUS IN THE INTEREST OF THE MORE EFFICIENT CONCENTRATION OF THE GOVERNMENT

§ 601. Coordination of executive bureaus, offices, etc., by President for national defense and to prosecute the war; issuance of regulations.—For the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the Army and Navy, the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, governmental corporation, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this title (sections 601-605 of this appendix), and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be published in accordance with the Federal Register Act of 1935 (sections 301-310, 311-314 of Title 44): *Provided*, That the termination of this title (sections 601-605 of this appendix), shall not affect any act done or any right or obligation accruing or accrued pursuant to this title (sections 601-605 of this appendix) and during the time that this title (sections 601-605 of his appendix), is in force: *Provided further*, That the authority by this title (sections 601-605 of this appendix), granted shall be exercised only in matters relating to the conduct of the present war: *Provided further*, That no redistribution of functions shall provide for the transfer, consolidation, or abolition of the whole or any part of the General Accounting Office or of all or any part of its functions. (Dec. 18, 1941, ch. 593, title I, § 1, 55 Stat. 838.)

#### EX. ORD. No. 9069. CONSOLIDATION OF AGENCIES WITHIN DEPARTMENT OF AGRICULTURE

Ex. Ord. No. 9069, Feb. 23, 1942, 7 F. R. 1409, provided:

1. (a) The Surplus Marketing Administration (including the Federal Surplus Commodities Corporation as an agency of the Department of Agriculture), the Agricultural Marketing Service (except the Agricultural Statistics Division), and the Commodity Exchange Administration of the Department of Agriculture and their functions, personnel, property, and



records are consolidated into an agency to be known as the Agricultural Marketing Administration of the Department of Agriculture, which agency shall be administered under the direction and supervision of such officer as the Secretary of Agriculture shall designate.

(b) The Agricultural Statistics Division of the Agricultural Marketing Service, Department of Agriculture, and its functions and the personnel, property, and records used primarily in the administration of its functions are transferred to the Bureau of Agricultural Economics of the Department of Agriculture.

2. The Agricultural Adjustment Administration, the Soil Conservation Service, the Federal Crop Insurance Corporation, and the Sugar Division of the Department of Agriculture and their functions, personnel, property, and records are consolidated into an agency to be known as the Agricultural Conservation and Adjustment Administration of the Department of Agriculture, which agency shall be administered under the direction and supervision of such officer as the Secretary of Agriculture shall designate.

3. The Bureau of Animal Industry, the Bureau of Dairy Industry, the Bureau of Plant Industry, the Bureau of Agricultural Chemistry and Engineering, the Bureau of Entomology and Plant Quarantine, the Bureau of Home Economics, the Office of Experiment Stations, and the Beltsville Research Center of the Department of Agriculture and their functions, personnel, property, and records are consolidated into an agency to be known as the Agricultural Research Administration of the Department of Agriculture, which agency shall be administered under the direction and supervision of such officer as the Secretary of Agriculture shall designate.

4. All libraries administered by agencies of the Department of Agriculture and all units of the Department providing library and bibliographical service and their functions, personnel, property, and records are consolidated and shall be administered through such facilities of the Department as the Secretary of Agriculture shall designate.

5. So much of the unexpended balances, appropriations, allocations, or other funds available (or to be made available) for the use of any agency in the exercise of any function transferred or consolidated by this order or for the use of the head of any agency in the exercise of any function so transferred or consolidated, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred for use in connection with the exercise of the function so transferred or consolidated. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer.

6. This order shall remain in force during the continuance of the present war and for six months after termination thereof.

#### EX. ORD. NO. 9070. CONSOLIDATION OF HOUSING AGENCIES AND FUNCTIONS INTO NATIONAL HOUSING AGENCY

Ex. Ord. No. 9070, Feb. 24, 1942, 7 F. R. 1529, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress) (sections 601-605 of this Appendix), and as President of the United States, it is hereby ordered as follows:

1. The following agencies, functions, duties, and powers are consolidated into a National Housing Agency and shall be administered as hereinafter provided under the direction and supervision of a National Housing Administrator:

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(g) All functions, powers, and duties of the Farm Security Administration relating to such housing projects as such Administration determines are for families not deriving their principal income from operating or working upon a farm.

\* \* \* \* \*

6. All assets, contracts, and property (including office equipment and records) of any agency hereby consolidated, and all assets, contracts, and property (including office equipment and records) which other agencies, including departments, have been using primarily in the administration of



any function, power, or duty hereby consolidated or transferred, are hereby transferred, respectively, with such agency, function, power or duty.

7. Except as provided in paragraph 8, hereof, (1) all personnel of any agency hereby consolidated, and (2) all personnel of other agencies, including departments, who have been engaged primarily in the administration of any function, power, or duty hereby consolidated or transferred and who within thirty days after the appointment or designation of the National Housing Administrator are jointly certified for transfer by said Administrator and the head of the department or agency to which such personnel is attached, shall be transferred, respectively, with such agency, functions, power or duty; but any personnel transferred with functions, powers, or duties pursuant to this paragraph who are found by the National Housing Administrator to be in excess of the personnel necessary for the administration of such functions, powers, and duties shall be re-transferred under existing law to other positions in the Government or separated from the service.

8. The following personnel are not transferred hereunder: (1) The Directors and Officers of the Defense Homes Corporation, (2) the members of the Federal Home Loan Bank Board other than the Chairman, (3) the Directors of the Home Owners' Loan Corporation, and (4) the Trustees of the Federal Savings and Loan Insurance Corporation. The offices of the foregoing personnel excepted from transfer by this paragraph (except in the case of the Defense Homes Corporation) are hereby vacated for the duration of this order: *Provided*, That the offices of the members of the Federal Home Loan Bank Board shall not be vacated until sixty days from the date of this order. The personnel of the Division of Defense Housing Coordination and of the Central Housing Committee are not transferred hereunder, except that the National Housing Administrator, within 60 days after his appointment or designation, may take over such of this personnel as are needed. During such period, all personnel of such Division and of such Committee may be retained by them in connection with the winding up of their affairs.

9. So much of the unexpended balances of appropriations, authorizations, allocations, or other funds (not otherwise transferred hereunder) available for the use of any agency in the exercise of any function, power, or duty consolidated by this order, or for the use of the head of any department or agency in the exercise of any such function, power, or duty, as the Director of the Bureau of the Budget shall determine (with the approval of the President), shall be transferred, respectively, to the National Housing Agency or the main constituent unit therein concerned, for its use in connection with the exercise of the functions, powers, or duties, respectively, to be administered by it hereunder. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, authorizations, allocations, or other funds prior to transfer.

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EX. ORD. NO. 9177. EMERGENCY PURCHASES OF WAR MATERIAL ABROAD

Ex. Ord. No. 9177, May 30, 1942, 7 F. R. 4195, provided:

1. The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation are each authorized to exercise the functions, powers and duties heretofore vested in the Secretary of the Navy by that provision of an act approved June 30, 1914 (38 Stat. 399; 34 U. S. C. § 568), which reads as follows:

*"Provided, That hereafter the Secretary of the Navy is hereby authorized to make emergency purchases of war material abroad: And provided further, That when such purchases are made abroad, this material shall be admitted free of duty."*

2. The Commissioner of Customs, with the approval of the Secretary of the Treasury, shall issue regulations governing the entry and admission free of duty of articles as to which an officer or the agency designated in section 1 of this order shall make a certificate to him in the following form:

*"The procurement of this material constituted an emergency purchase of war material abroad and it is accordingly requested that such material be admitted free of duty pursuant to the Act of June 30, 1914 (34 U. S. C. § 568) and Executive Order No. 9177."*

3. The authority herein conferred, including the authority to execute the certificate set forth in section 2 of this order, may be exercised by the



Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of Agriculture, and the Board of Directors of the Reconstruction Finance Corporation, respectively, or in their discretion and by their direction, respectively, may be exercised also by and through any officer or officers or civilian officials of their respective departments and agency designated by them for those purposes, or, in the case of the Secretary of Agriculture by and through such corporations in the Department of Agriculture as are under the direction and supervision of the Secretary of Agriculture and in the case of the Reconstruction Finance Corporation, by and through one or more of its subsidiary corporations. The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of Agriculture, and the Board of Directors of the Reconstruction Finance Corporation may authorize such officer or officers or civilian officials of their respective departments or agency or such corporation or corporations subsidiary to the Reconstruction Finance Corporation or under the direction and supervision of the Secretary of Agriculture to make further delegations of such powers and authority within their respective departments and agency, and within such corporation or corporations.

4. This order shall become effective as of the date hereof, shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941, and shall authorize or ratify any emergency purchase of war materials abroad heretofore or hereafter made by or for the account of any of the said departments, the said agency, or such corporations, and any such war material so purchased may be entered, or withdrawn from warehouse, for consumption free of duty during the effective period of this order.

5. Any provision of any Executive Order, and any provision, rule, or regulation of any officer, department, board, commission, bureau, agency or instrumentality of the Government of the United States conflicting with this order are superseded to the extent of such conflict.

EX. ORD. NO. 9280. DELEGATING AUTHORITY WITH RESPECT TO  
NATION'S FOOD PROGRAM

Ex. Ord. No. 9280, Dec. 5, 1942, 7 F. R. 10179, provided:

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order to assure an adequate supply and efficient distribution of food to meet war and essential civilian needs, it is hereby ordered as follows:

1. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized and directed to assume full responsibility for and control over the Nation's food program. In exercising such authority, he shall:

a. Ascertain and determine the direct and indirect military, other governmental, civilian, and foreign requirements for food, both for human and animal consumption and for industrial uses.

b. Formulate and carry out a program designed to furnish a supply of food adequate to meet such requirements, including the allocation of the agricultural productive resources of the Nation for this purpose.

c. Assign food priorities and make allocations of food for human and animal consumption to governmental agencies and for private account, for direct and indirect military, other governmental, civilian, and foreign needs.

d. Take all appropriate steps to insure the efficient and proper distribution of the available supply of food.

e. Purchase and procure food for such Federal agencies, and to such extent, as he shall determine necessary or desirable, and promulgate policies to govern the purchase and procurement of food by all other Federal agencies: *Provided*, That nothing in this subsection shall limit the authority of the armed forces to purchase or procure food outside the United States or in any theater of war as such purchase and procurement shall be required by military or naval operations, or the authority of any other authorized agency to purchase or procure food outside the United States for rehabilitation or relief purposes abroad. Existing methods for the purchase and procurement of food by other Federal agencies shall continue until otherwise determined by the Secretary pursuant to this Executive Order.

2. The Secretary shall recommend to the Chairman of the War Production Board the amounts and types of non-food materials, supplies, and



equipment necessary for carrying out the food program. Following consideration of these recommendations, the Chairman of the War Production Board shall allocate stated amounts of non-food materials, supplies, and equipment to the Secretary for carrying out the food program; and the War Production Board, through its priorities and allocation powers, shall direct the use of such materials, supplies, and equipment for such specific purposes as the Secretary may determine.

3. Whenever the available supply of any food is insufficient to meet both food and industrial needs, the Chairman of the War Production Board and the Secretary shall jointly determine the division to be made of the available supply of such food. In the event of any difference of view between the Chairman of the War Production Board and the Secretary, such difference shall be submitted for final determination to the President or to such agent or agency as the President may designate.

4. The Secretary, after determining the need and the amount of food available for civilian rationing, shall, through the Office of Price Administration, exercise the priorities and allocation powers conferred upon him by this Executive Order for civilian rationing, with respect to (a) the sale, transfer, or other disposition of food by any person who sells at retail to any person, and (b) the sale, transfer, or other disposition of food by any person to an ultimate consumer, as is currently provided for in War Production Board Directive No. 1, dated January 24, 1942, and existing supplements thereto; and with respect to (c) the sale, transfer, or other disposition of food by any person at such other levels of distribution as he may determine; and in the administration or enforcement of any such priorities or allocation authority for civilian rationing, the Office of Price Administration, subject to the provisions of this Executive Order, is hereby authorized to exercise all the functions, duties, powers, authority, or discretion conferred upon the Price Administrator by Section 3 of Executive Order 9125 of April 7, 1942. The Secretary, before determining the time, extent, and other conditions of civilian rationing, shall consult with the Price Administrator.

5. In discharging his responsibility under this Executive Order with respect to the exportation of food, the Secretary shall collaborate with the other agencies concerned with the foreign aspects of the food program in the determination of plans, policies and procedures for the feeding of the peoples in foreign countries and the production and stockpiling of food for use abroad. With respect to the issuance of the directives for the importation of food heretofore issued to the Board of Economic Warfare by the Chairman of the War Production Board under Executive Order No. 9128 of April 13, 1942, the Secretary shall issue those directives which relate to the importation of food for human and animal consumption, and the Chairman of the War Production Board and the Secretary shall jointly issue those directives which relate to the importation of food for industrial uses. The Chairman of the War Production Board shall continue to issue all other directives which relate to the importation of materials, supplies, and equipment required for the war production program and the civilian economy. Schedules of priorities heretofore prepared and issued by the Chairman of the War Production Board under Executive Order 9054 of February 7, 1942, for the importation by overseas transportation of food for human or animal consumption and for industrial uses shall be similarly issued, and transmitted to the Administrator of War Shipping Administration for his guidance.

6. In discharging his responsibility under this Executive Order, the Secretary shall, in the event of a shortage of domestic transportation service, and after consultation with the War Production Board for the purpose of adjusting the relative demands for the movement of food for human or animal consumption and the movement of commodities for other purposes, prepare schedules of priorities for the domestic movement of food, which the Office of Defense Transportation shall take into consideration in determining traffic movements.

7. (a) To advise and consult with him in carrying out the provisions of this Executive Order, the Secretary shall appoint a committee composed of representatives of the State, War, and Navy Departments, the Office of Lend-Lease Administration, the Board of Economic Warfare, the War Production Board, and such other agencies as the Secretary may determine to be concerned with the food program. The Food Requirements Committee of the War Production Board established by the Chairman of the War Production Board by memorandum dated June 4, 1942 is abolished effective as



of the date of appointment of said advisory committee. The Secretary shall receive from the members of such advisory committee estimates of food requirements, and consult with such committee prior to the making of food allocations under Section 1 (c) of this Executive Order. Such committee shall perform such other functions in connection with the food program as the Secretary may determine. The Secretary may, in his discretion, appoint such other advisory committees composed of representatives of governmental or private groups interested in the food program as he deems appropriate.

b. Section 1 of Executive Order No. 9024, dated January 16, 1942, is amended to provide that the Secretary shall be a member of the War Production Board.

8. The Secretary, in carrying out the responsibilities imposed on him by this Executive Order, may, subject to the provisions of this Executive Order, exercise the following powers in addition to the powers heretofore vested in him.

a. The power conferred upon the Department of Agriculture with respect to contracts by Executive Order No. 9023 of January 14, 1942.

b. The power conferred upon the President by Title III of the Second War Powers Act, 1942 (section 633 of Appendix to Title 50, War) insofar as it relates to priorities and allocations of (1) all food for human or animal consumption or for other use in connection with the food program, but excluding that food which has been determined to be available to the War Production Board for industrial purposes pursuant to Section 3 of this Executive Order; (2) those portions of non-food materials, supplies, and equipment which have been allocated by the War Production Board under Section 2 of this Order for carrying out the food program; (3) any other material or facility, when the Secretary determines that it is necessary, in order to carry out the provisions of this Executive Order, to exercise the priorities or allocation power with respect thereto: *Provided*, That in order to avoid over-lapping and conflicting action, prior to taking action pursuant to item (3) hereof, the Secretary shall inform the Chairman of the War Production Board of the action proposed to be taken, and in the event that the Chairman of the War Production Board shall object, the issue shall be determined by the President or such agent or agency as he may designate. Contracts or orders, relating to the materials and facilities specified in this sub-section, made by the Secretary, or by any other officer or agency of the Government at the Secretary's direction, and subcontracts and suborders which the Secretary shall deem necessary or appropriate to the fulfilment of any such contract or order, are hereby declared to be necessary and appropriate to promote the defense of the United States. The Secretary may assign priorities with respect to deliveries under any such contract, order, subcontract or suborder, and he may require acceptance of and performance of any such contract, order, subcontract or suborder, in preference to other contracts or orders for the purpose of assuring such priority. Allocations of materials and facilities under this sub-section may be made by the Secretary in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate in the public interest, to promote the national defense, and to carry out the provisions of this Executive Order.

c. The powers under the Act of October 10, 1940 (54 Stat. 1090), as amended by the Act of July 2, 1942 (56 Stat. 467) (section 711 of this Appendix and the Act of October 16, 1941) (55 Stat. 742), as amended by Title VI of the Second War Powers Act, 1942, (section 721 of this Appendix), heretofore vested in the War Production Board of Executive Order No. 8942 of November 19, 1941, Executive Order No. 9024 of January 16, 1942, and Executive Order No. 9040 of January 24, 1942, with respect to the requisitioning of food for human or animal consumption.

d. The powers of acquisition of property under the Act of July 2, 1917 (40 Stat. 241), as amended by Title II of the Second War Powers Act, 1942 (section 711 and note of this Appendix).

e. The powers of taking over and operating facilities under section 120 of the National Defense Act of 1916 (39 Stat. 213) (50 U. S. C. A. § 80) and section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892) (section 309 of this Appendix).

f. The powers with respect to antitrust prosecutions vested in the Chairman of the War Production Board by Section 12 of the Act of June 11, 1942, Public Law 603, 77th Congress (section 1112 of this Appendix).



g. The power of inspection and audit of the war contractors (including the power of subpoena) under Title XIII of the Second War Powers Act, 1942 (section 643-643c of this Appendix).

9. The Secretary is authorized to delegate any or all functions, responsibilities, powers (including the power of subpoena), authorities, or discretions conferred upon him by this Executive Order to such person or persons within the Department of Agriculture as he may designate or appoint for that purpose. The Secretary may, except as otherwise provided herein, delegate to any appropriate Federal, state, or local governmental agency, officer, or employee, in such manner and for such periods of time as he shall deem advisable, the execution of any of the provisions of this Executive Order together with any powers of the Secretary under this Executive Order. To the fullest extent compatible with efficiency the Secretary shall utilize existing facilities and services of other governmental departments and agencies and may accept the services and facilities of any state or local governmental agency in carrying out his responsibilities defined hereunder.

10. As used herein, the term "food" shall mean all commodities and products, simple, mixed, or compound, or compliments to such commodities or products that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which such commodities or products may be put, and at all stages of processing from the raw commodity to the product thereof in a vendible form for immediate human or animal consumption, but exclusive of such commodities and products as the Secretary shall determine. For the purposes of this Executive Order, the term "food" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, hemp, flax fiber, and such other agricultural commodities and products as the President may designate.

11. In the event of any difference of view arising between the Secretary and any other officer or agency of the Government, in the administration of the provisions of this Executive Order, such difference of view shall be submitted for final decision to the President or such agent or agency as the President may designate.

12. The personnel, property, records, unexpended balances of appropriations, allocations, and other funds of the War Production Board primarily concerned with and available for, as determined by the Director of the Bureau of the Budget, the discharge of any of the functions, responsibilities, powers, authorities, and discretions that are vested in the Secretary by this Executive Order are hereby transferred to the Department of Agriculture. In determining the amounts transferred hereunder, allowance shall be made for the liquidation of obligations previously incurred against such balances of appropriations, allocations, or other funds transferred.

13. To facilitate the effective discharge of the Secretary's responsibility under this Executive Order, the following changes are made within the Department of Agriculture:

a. The Agricultural Conservation and Adjustment Administration (except the Sugar Agency), the Farm Credit Administration, the Farm Security Administration, and their functions, personnel, and property; the functions, personnel, and property of the Division of Farm Management and Costs of the Bureau of Agricultural Economics concerned primarily with the planning of current agricultural production, the functions, personnel, and property of the Office of Agricultural War Relations concerned primarily with the production of food; and the functions, personnel, and property established in or transferred to the Department by this Executive Order that are concerned primarily with the production of food, are consolidated into an agency to be known as the Food Production Administration of the Department of Agriculture. The Food Production Administration shall be under the direction and supervision of a Director of Food Production appointed by the Secretary.

b. The Agricultural Marketing Administration, the Sugar Agency of the Agricultural Conservation and Adjustment Administration, and their functions, personnel, and property; the functions, personnel, and property of the Bureau of Animal Industry of the Agricultural Research Administration concerned primarily with regulatory activities; the functions, personnel, and the property of the Office of Agricultural War Relations concerned primarily with the distribution of food; and the functions, personnel, and property established in or transferred to the Department of Agriculture by this



Executive Order that are concerned primarily with the distribution of food are consolidated into an agency to be known as the Food Distribution Administration of the Department of Agriculture. The Food Distribution Administration shall be under the direction and supervision of a Director of Food Distribution appointed by the Secretary.

c. So much of the unexpended balances of appropriations, allocations, or other funds available (or to be made available) for the use of any agency in the exercise of any function transferred or consolidated by subsections a. and b. of this section or for the use of the head of any agency in the exercise of any function so transferred or consolidated, as the Director of the Bureau of the Budget shall determine, shall be transferred for use in connection with the exercise of the function so transferred or consolidated. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such balances of appropriations, allocations, or other funds prior to the transfer.

14. Any provision of any Executive Order or proclamation conflicting with this Executive Order is superseded to the extent of such conflict. All prior directives, rules, regulations, orders, and similar instruments heretofore issued by any Federal agency which affect the subject matter of this Executive Order shall continue in full force and effect unless and until withdrawn or superseded by or under the direction of the Secretary under the authority of this Order. Nothing in this Order shall be construed to limit the powers exercised by the Economic Stabilization Director under Executive Order 9250 dated October 3, 1942, as amended. Nothing in this Order shall be construed to limit the power now exercised by the Price Administrator under the Emergency Price Control Act of 1942, Public Law 421, 77th Congress, as amended (sections 901-946 of this Appendix), or the Act of October 2, 1942, Public Law 729, 77th Congress (sections 961-971 of this Appendix).

#### TRANSFER OF FUNCTIONS

All powers, duties, and functions vested in Secretary of Agriculture by Ex. Ord. No. 9280, Dec. 5, 1942, 7 F. R. 10179, and Ex. Ord. No. 9250, Oct. 3, 1942, 7 F. R. 7871, with respect to Nation's wartime food program were transferred to and vested in the War Food Administration by Ex. Ord. 9322, March 26, 1943, 8 F. R. 3807, as amended by Ex. Ord. 9334, Apr. 19, 1943, 8 F. R. 5423, set out as note under this section.

#### EX. ORD. NO. 9310. TRANSFERRING NUTRITIONS FUNCTIONS OF OFFICE OF DEFENSE, HEALTH AND WELFARE SERVICES TO DEPARTMENT OF AGRICULTURE

Ex. Ord. No. 9310, Mar. 6, 1943, 8 F. R. 2913, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (this section), as President of the United States, and in order to enable the Secretary of Agriculture more effectively to carry out his responsibilities with respect to the Nation's food program, it is hereby ordered:

1. The functions, powers, and duties, with respect to nutrition, a) of the Office of Defense Health and Welfare Services in the Office for Emergency Management of the Executive Office of the President (including all functions, powers, and duties of the Nutrition Division of the Office of Defense Health and Welfare Services), and (b) of the Director of the Office of Defense Health and Welfare Services, are transferred to the Department of Agriculture and shall be administered under the supervision and direction of the Secretary of Agriculture through such agency or agencies in the Department as the Secretary shall designate.

2. The personnel, property, and records used primarily in the administration of the functions, powers, and duties transferred by this Order are transferred to the Department of Agriculture. So much of the unexpended balances of appropriations, allocations, and other funds available for the use of the Office of Defense Health and Welfare Services in discharging the functions, powers, and duties transferred by this Order, as the Director of the Bureau of the Budget shall determine, shall be transferred to the Department of Agriculture for use in connection with the exercise of the functions, powers and duties so transferred. In determining the amounts to be transferred hereunder, allowance shall be made for the liquidation of



obligations previously incurred against such appropriations, allocations, or other funds.

**EX. ORD. NO. 9315. TRANSFERRING CERTAIN FUNCTIONS FROM THE PRESIDENT TO THE SECRETARY OF AGRICULTURE**

Ex. Ord. No. 9315, Mar. 15, 1943, 8 F. R. 3279, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, approved December 18, 1941 (55 Stat. 838) (sections 601-622 of this Appendix), and deeming that such action will facilitate the prosecution of the war, it is ordered that all of the functions, duties, and powers vested in the President by section 4 of the act of June 29, 1936, 49 Stat. 2035, 2036, be, and they are hereby, transferred to and vested in the Secretary of Agriculture.

**EX. ORD. NO. 9322. WAR FOOD ADMINISTRATION**

Ex. Ord. No. 9322, Mar. 26, 1943, 8 F. R. 3807, as amended by Ex. Ord. No. 9334, Apr. 19, 1943, 8 F. R. 5423; Ex. Ord. No. 9392, Oct. 28, 1943, 8 F. R. 14783, provided:

By virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly by the First War Powers Act, 1941 (sections 601-622 of this Appendix), as President of the United States and Commander in Chief of the Army and Navy, and in order to assure an adequate supply and efficient distribution of food to meet war and essential civilian needs, it is hereby ordered as follows:

Section 1. The Food Production Administration (except the Farm Credit Administration), the Food Distribution Administration, the Commodity Credit Corporation, and the Extension Service, together with all their powers, functions, and duties, are hereby consolidated within the Department of Agriculture into War Food Administration, to be administered under the direction and supervision of a War Food Administrator. The Administrator shall be appointed by the President and shall be directly responsible to him.

Section 2. All powers, functions, and duties of the Secretary of Agriculture (a) under Executive Order No. 9280 of December 5, 1942 (set out as note under section 514 of title 5) (b) under Title IV of Executive Order No. 9250 of October 3, 1942 (set out as note under section 901 of this Appendix), (c) which relate to labor and manpower under orders of the Economic Stabilization Director or the Chairman of the War Manpower Commission, (d) which relate to or which have heretofore been exercised through or in connection with the agencies, including corporations, consolidated by section 1 of this order, and (e) which relate to personnel, property and records transferred by section 3 of this order, are transferred to and shall be exercised and performed by the War Food Administrator (in addition to the powers, functions, and duties conferred upon him by Executive Order No. 9328 of April 8, 1943 (set out as note under section 901 of this Appendix)). The War Food Administrator shall be the Chairman or shall designate the Chairman of the interdepartmental committee set up by section 7 (a) of Executive Order No. 9280 (set out as note under section 514 of title 5), and shall be the United States member of the Combined Food Board. The War Food Administrator may designate a representative to serve as his deputy on the Combined Food Board. The War Food Administrator and the Secretary of Agriculture shall continue as members of the War Production Board.

Section 3. For use in connection with the exercise or performance of the powers, functions, and duties consolidated and transferred by this order, so much of the unexpended balances of appropriations, allocations, and other funds available to the Department of Agriculture for such purposes, as the Director of the Bureau of the Budget shall determine, and all of the personnel, property, and records used primarily in the administration of such powers, functions, and duties, are hereby transferred to the War Food Administration.

Section 4. In addition to the powers and authority granted by this order, and in order to carry out its purposes, the Secretary of Agriculture and the War Food Administrator, to the extent necessary to enable them to perform their respective duties and functions, shall each have authority to exercise any and all of the powers vested in the other by statute or otherwise; and the exercise of any such power by either of them shall be deemed to be



authorized and in accordance with this order, and shall not be subject to challenge by any third party affected by the exercise of the power on the ground that the action taken was within the jurisdiction of the Secretary of Agriculture rather than the War Food Administrator, or vice versa.

Section 5. Any provision of any Executive order or proclamation conflicting with this Executive order is superseded to the extent of such conflict. All prior directives, rules, regulations, orders, and similar instruments heretofore issued by any Federal agency relating to matters concerning which authority is vested in the War Food Administrator by this order shall continue in full force and effect unless and until modified or revoked by orders or directives issued by or under the direction of the War Food Administrator pursuant to authority vested in him.

#### EX. ORD. No. 9385. FOREIGN FOOD PROCUREMENT AND DEVELOPMENT

Ex. Ord. No. 9385, Oct. 6, 1943, 8 F. R. 13783, provided:

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order further to unify and consolidate governmental activities relating to foreign economic affairs, it is hereby ordered as follows:

1. The functions of the War Food Administration and the Commodity Credit Corporation with respect to the procurement and development of food, food machinery, and other food facilities, in foreign countries, are transferred to and consolidated in the Foreign Economic Administration to be administered in accordance with the provisions of Executive Order No. 9380 of September 25, 1943 (set out as note under this section of Appendix).

2. The personnel, records, property, funds, contracts, assets, and liabilities of the Commodity Credit Corporation, determined by the Director of the Bureau of the Budget to be primarily concerned with the functions transferred to the Foreign Economic Administration by this order, shall be transferred, on such date or dates as the Director of the Bureau of the Budget shall determine, to the Foreign Economic Administration or to such subdivisions or corporations thereof as the Administrator of the Foreign Economic Administration shall designate.

3. Except as otherwise provided in this order, the procurement of food, food machinery, and other food facilities in foreign countries, by the Foreign Economic Administration, shall be performed consistently with directives issued to such Administration by the War Food Administrator with respect to food for human or animal consumption and by the War Food Administrator and the Chairman of the War Production Board jointly with respect to food for industrial uses. The War Food Administrator, or the War Food Administrator and the Chairman of the War Production Board jointly, as the case may be, may (1) set forth in such directives the quantities, specifications, priorities, and times and places of delivery relating to such procurement, and (2) append to such directives suggestions as to sources and prices relating to such procurement. The Administrator of the Foreign Economic Administration may from time to time advise the War Food Administrator, the Chairman of the War Production Board, and the Director of War Mobilization as to circumstances affecting procurement under such directives and as to steps which the Administrator of the Foreign Economic Administration deems will promote effective procurement by the Foreign Economic Administration of food, food machinery, and other food facilities in foreign countries for the purposes of the War Food Administration or the War Production Board.

4. (a) Nothing in this order shall authorize the War Food Administrator or the Chairman of the War Production Board to issue directives to the Foreign Economic Administration with respect to (1) the procurement and development of food, food machinery, and other food facilities in foreign countries, for use in foreign countries, and (2) the preclusive procurement of foreign food, food machinery, and other food facilities vital to the enemy either for military or civilian needs.

(b) The provisions of this order shall not affect the existing authority of the War Food Administrator or of the War Production Board with respect to priorities and allocations, or to define general policies, subject to the authority of the Office of War Mobilization under paragraph 4 of Executive Order No. 9361 of July 15, 1943 (set out as note under this section of Appendix), with respect to the procurement and development of food, food



machinery, and other food facilities in foreign countries for use in foreign countries.

5. As used in this order, (1) the word "food" shall have the meaning set forth in paragraph 10 of Executive Order No. 9280 of December 5, 1942 (set out as note under this section of Appendix), exclusive of sugar produced in the Caribbean area, and (2) the words "foreign countries" shall be deemed to exclude the Dominion of Canada.

6. All prior Executive orders and directives insofar as they are in conflict herewith are amended accordingly. This order shall take effect immediately except that the War Food Administration and the Commodity Credit Corporation shall continue to exercise their respective functions transferred under paragraph 1 of this order until such date or dates as the Administrator of the Foreign Economic Administration shall determine.

**EX. ORD. NO. 9418. AUTHORIZING THE WAR FOOD ADMINISTRATION TO PLACE ORDERS WITH OTHER AGENCIES FOR MATERIALS OR SERVICES TO BE OBTAINED BY CONTRACT OR OTHERWISE**

Ex. Ord. No. 9418, Jan. 29, 1944, 9 F. R. 1073, provided:

By virtue of the authority vested in me by the Constitution and the Statutes of the United States, particularly by Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix] as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

The functions, powers, and duties, with respect to placing orders for materials, supplies, equipment, work, or services, of any kind that any requisitioned Federal Agency may be in a position to supply, or to render or to obtain by contract, which are vested in the War Department, Navy Department, Treasury Department, Civil Aeronautics Administration, and the Maritime Commission under section 7 (a) of the act of May 21, 1920 (41 Stat. 613), as amended by section 601 of the act of June 30, 1932 (47 Stat. 417) [section 686 of Title 31] and the act of July 20, 1942 (56 Stat. 661, 31 U. S. C., 686) may be exercised also by the War Food Administration, and by any constituent agency or corporation thereof designated by the War Food Administrator. Any provision of any Executive order or proclamation conflicting with this order is superseded to the extent of such conflict.

**EX. ORD. NO. 9427. RETRAINING AND REEMPLOYMENT ADMINISTRATION**

Ex. Ord. No. 9427, Feb. 24, 1944, 9 F. R. 2199, provided:

1. There is hereby established in the Office of War Mobilization a Retraining and Reemployment Administration (hereinafter referred to as the Administration), the functions of which, subject to the general supervision of the Director of War Mobilization, shall be exercised by a Retraining and Reemployment Administrator (hereinafter referred to as the Administrator) to be appointed by the Director of War Mobilization.

2. With the assistance of a Retraining and Reemployment Policy Board, composed of a representative of the Department of Labor, the Federal Security Agency, the War Manpower Commission, the Selective Service System, the Veterans Administration, the Civil Service Commission, the War Department, the Navy Department, and the War Production Board, it shall be the function of the Administration:

(a) To have general supervision and direction of the activities of all Government agencies relating to the retraining and reemployment of persons discharged or released from the armed services or other war work, including all work directly affected by the cessation of hostilities or the reduction of the war program; to issue necessary regulations and directions in connection therewith; and to advise with the appropriate committees of the Congress as to the steps taken or to be taken with respect thereto.

(b) In consultation with the Government agencies concerned, to develop programs for the orderly absorption into other employment of persons discharged or released from the armed services or other war work, including adequate provisions for vocational training, for the finding of jobs for persons so discharged or released, for assisting those persons and their families pending their absorption into employment, and for dealing with the problems connected with the release of workers from industries not readily convertible to peacetime use. In developing such programs, special regard shall be given to the necessity of integrating them with wartime manpower controls.



(c) In consultation with the Government agencies concerned, to develop programs for the adequate care of persons discharged or released from the armed services, including physical and occupational therapy for the wounded and disabled and the resumption of education interrupted by the war.

3. The Retraining and Reemployment Policy Board shall invite representatives of other Government agencies to participate in its deliberations when matters specially affecting them are under consideration.

4. The functions conferred on the Administration by this order shall be performed through existing Government agencies and officials so far as feasible and in such manner as the Administrator shall determine. The Administration, within the limit of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities, and services necessary to discharge the responsibilities of the Administration.

5. All prior Executive orders, so far as they are in conflict herewith, are amended accordingly.

**EX. ORD. NO. 9440. AUTHORIZING THE RECONSTRUCTION FINANCE CORPORATION TO PLACE ORDERS WITH OTHER AGENCIES FOR MATERIALS OR SERVICES TO BE OBTAINED BY CONTRACT OR OTHERWISE**

Ex. Ord. No. 9440, May 9, 1944, 9 F. R. 4999, provided:

By virtue of the authority vested in me by the Constitution and the Statutes of the United States, particularly by Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

The functions, powers, and duties, with respect to placing orders for materials, supplies, equipment, work, or services, of any kind that any requisitioned Federal agency may be in a position to supply, or to render or to obtain by contract, which are vested in the War Department, Navy Department, Treasury Department, Civil Aeronautics Administration and the Maritime Commission under section 7 (a) of the act of May 21, 1920 (41 Stat. 613), as amended by section 601 of the end of June 30, 1932 (47 Stat. 417), and the act of July 20, 1942 (56 Stat. 661, 31 U. S. C. 686), and which are also vested in the War Food Administration by virtue of Executive Order 9418 of January 29, 1944 [following this section], may be exercised also by the Reconstruction Finance Corporation, and by any constituent, subsidiary or controlled agency or corporation thereof designated by the Reconstruction Finance Corporation. Any provision of any Executive order or proclamation conflicting with this order is superseded to the extent of such conflict.

**EX. ORD. NO. 9495. EXTENSION OF EXECUTIVE ORDER NO. 9177 TO THE UNITED STATES MARITIME COMMISSION AND THE ADMINISTRATION OF THE WAR SHIPPING ADMINISTRATION**

Ex. Ord. No. 9495, Oct. 30, 1944, 9 F. R. 13035, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838) [sections 601-605 of this Appendix], I hereby extend the provision of Executive Order No. 9177 (7 F. R. 4195) of May 30, 1942, [set out as a note under this section], to the United States Maritime Commission and the Administrator of the War Shipping Administration; and, subject to the limitations contained in that order, I hereby authorize the United States Maritime Commission and the Administrator of the War Shipping Administration to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation by that order.

This order shall be applicable to articles entered for consumption, or withdrawn from warehouse for consumption, on or after August 1, 1944.

**§ 602. Same; consolidation of offices; transfer of duties, personnel, and records.**—In carrying out the purposes of this title (sections 601-605 of this appendix) the President is authorized to utilize, coordinate, or consolidate any executive or administra-



tive commissions, bureaus, agencies, governmental corporations, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, governmental corporation, office, or officer to another, to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto. (Dec. 18, 1941, ch. 593, title I, § 2, 55 Stat. 838.)

## CROSS REFERENCES

Termination of section, see section 621 of this appendix.

**§ 603. Expenditure of appropriations for bureaus, offices, etc.**—For the purpose of carrying out the provisions of this title (sections 601-605 of this appendix), any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, governmental corporation, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said functions, except to the extent hereafter authorized by the Congress in appropriation Acts or otherwise. (Dec. 18, 1941, ch. 593, title I, § 3, 55 Stat. 838.)

## CROSS REFERENCES

Termination of section, see section 621 of this appendix.

**§ 604. Presidential recommendation to Congress for elimination of certain bureaus, offices, etc.**—Should the President, in redistributing the functions among the executive agencies as provided in this title (sections 601-605 of this appendix), conclude that any bureau should be abolished and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper. (Dec. 18, 1941, ch. 593, title I, § 4, 55 Stat. 839.)

## CROSS REFERENCES

Termination of section, see section 621 of this appendix.

**§ 605. Suspension of conflicting laws; restoration of duties and powers to bureaus, offices, etc., upon termination of sections.**—All laws or parts of laws conflicting with the provisions of this title (sections 601-605 of this appendix) are to the extent of such conflict suspended while this title (sections 601-605 of this appendix) is in force.

Upon the termination of this title (sections 601-605 of this appendix) all executive or administrative agencies, governmental corporations, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this title (sections 601-605 of this appendix) to the contrary notwithstanding. (Dec. 18, 1941, ch. 593, title I, § 5, 55 Stat. 839.)

## CROSS REFERENCES

Termination of section, see section 621 of this appendix.



## TITLE II.—CONTRACTS

§ 611. War contracts exempt from certain restrictions upon authorization by President.—The President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort, in accordance with regulations prescribed by the President for the protection of the interests of the Government, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made and to make advance, progress and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts whenever he deems such action would facilitate the prosecution of the war: *Provided*, That nothing herein shall be construed to authorize the use of the cost-plus-a-percentage-of-cost system of contracting: *Provided further*, That nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits: *Provided further*, That all acts under the authority of this section shall be made a matter of public record under regulations prescribed by the President and when deemed by him not to be incompatible with the public interest. (Dec. 18, 1941, ch. 593, title II, § 201, 55 Stat. 839.)

Ex. Ord. No. 9001. War and Navy Departments and Maritime Commission Exercise of Certain Functions and Powers.

Ex. Ord. No. 9001, Dec. 27, 1941, 6 F. R. 6787, as amended by Ex. Ord. No. 9296, Jan. 30, 1943, 8 F. R. 1429, eff. as of Dec. 27, 1941, provided:

The successful prosecution of the war requires an all-out industrial mobilization of the United States in order that the materials necessary to win the war may be produced in the shortest possible time. To accomplish this objective it is necessary that the Departments of War and the Navy and the United States Maritime Commission cooperate to the fullest possible degree with the Office of Production Management in the endeavor to make available for the production of war material all the industrial resources of the Country. It is expected that in the exercise of the powers hereinafter granted, these Agencies and the Office of Production Management will work together to bring about the conversion of manufacturing industries to war production, including the surveying of the war potential of industries, plant by plant; the spreading of war orders; the conversion of facilities; the assurance of efficient and speedy production; the development and use of subcontracting to the fullest extent and the conservation of strategic materials.

## TITLE I

1. By virtue of the authority in me vested by the Act of Congress, entitled "An Act to expedite the prosecution of the War effort", approved December 18, 1941, (hereinafter called "the Act") (sections 601 et seq. of this Appendix) and as President of the United States and Commander-In-Chief of the Army and Navy of the United States, and deeming that such action will facilitate the prosecution of the war, I do hereby order that the War Department, the Navy Department, and the United States Maritime Commission be and they hereby respectively are authorized within the limits of the amounts appropriated therefor to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts. The authority herein conferred may be exercised by the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission respectively or in their discretion and by their direction respectively may also be exercised through any other officer or officers or civilian officials of the War or the Navy Departments or the United States Maritime Commission. The Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may confer upon any officer or officers of their respective departments, or civilian officials thereof,



the power to make further delegations of such powers within the War and the Navy Departments, and the United States Maritime Commission.

2. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

3. The War Department, the Navy Department, and the United States Maritime Commission may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance, progress, and other payments upon such contracts of any per centum of the contract price, and may enter into agreements with contractors and/or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, whenever, in the judgment of the War Department, the Navy Department, or the United States Maritime Commission respectively the prosecution of the war is thereby facilitated. Amendments and modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract, or the amendments or modifications thereof.

4. Advertising, competitive bidding, and bid, payment, performance or other bonds or other forms of security, need not be required.

#### TITLE II

Pursuant to Title II of the Act (section 611 of this Appendix) and for the protection of the interests of the United States, I do hereby prescribe the following regulations for the exercise of the authority herein conferred upon the War Department, the Navy Department, and the United States Maritime Commission.

1. Complete data shall be maintained by the War Department, the Navy Department, and the United States Maritime Commission as to all contracts and purchases which they respectively make pursuant to the Act (section 611 et seq., of this Appendix) and this Executive Order. The Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission shall make available for public inspection, as they may respectively deem compatible with the public interest, so much of such data as does not cover restricted, confidential, or secret contracts or purchases.

2. Notwithstanding anything in the Act (sections 601 et seq. of this Appendix) or this Executive Order the War Department, the Navy Department, and the United States Maritime Commission shall not discriminate in any act performed thereunder against any person on the ground of race, creed, color or national origin, and all contracts shall be deemed to incorporate by reference a provision that the contractor and any subcontractors thereunder shall not so discriminate.

3. No claim against the United States arising under any purchase or contract made under the authority of the Act (sections 601 et seq. of this Appendix) shall be assigned except in accordance with the Assignment of Claims Act, 1940 (Public No. 811, 76th Congress, approved October 9, 1940) (section 203 of Title 31 and section 15 of Title 41).

4. Advance payments shall be made hereunder only after careful scrutiny to determine that such payments will promote the national interest and under such regulations to that end as the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may prescribe.

5. Every contract entered into pursuant to this order shall contain a warranty by the contractor in substantially the following terms:

The contractor warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or, in its discretion, to deduct from the



contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

6. Nothing herein shall be construed to authorize the cost-plus-a-percentage-of-cost system of contracting.

7. Nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits, or the payment of a fee in excess of such limitation as may be specifically set forth in the act appropriating the funds obligated by a contract. In the absence of such limitation, the fixed fee to be paid the Contractor as a result of any cost-plus-a-fixed-fee contract entered into under the authority of this Order shall not exceed seven per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission, as the case may be).

8. No contract or modification or amendment thereof shall be exempt from the provisions of the Walsh-Healey Act (49 Stat. 2036) (sections 35-45 of Title 41) because of being entered into without advertising or competitive bidding, and the provisions of such act, the Davis-Bacon Act, as amended (49 Stat. 1011) (sections 276a to 276a-5 of Title 40), the Copeland Act, as amended (48 Stat. 948) (sections 276b and 276c of Title 40), and the Eight Hour Law, as amended by the Act of September 9, 1940 (Public No. 781, 76th Congress) (sections 321 et seq. of Title 40) if otherwise applicable shall apply to contracts made and performed under the authority of this Order.

**EX. ORD. NO. 9023. EXTENSION OF EX. ORD. NO. 9001 TO CONTRACTS OF THE TREASURY DEPARTMENT, ETC.**

Ex. Ord. No. 9023, Jan. 14, 1942, 7 F. F. 302, provided:

I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941 to the Treasury Department, the Department of Agriculture, The Panama Canal, the Federal Works Agency, the Government Printing Office, the National Advisory Committee for Aeronautics, and such other agencies as I may from time to time designate, with respect to all contracts made or to be made by such agencies; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Secretary of the Treasury, the Secretary of Agriculture, the Governor of The Panama Canal, the Administrator of the Federal Works Agency, the Public Printer, the Chairman of the National Advisory Committee for Aeronautics, and the heads of such other agencies as may be designated, and such officers, employees, and agencies as each of them may designate, to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order.

**EX. ORD. NO. 9235. EFFECTIVE UTILIZATION OF SUPPLIES AND EQUIPMENT BY GOVERNMENT AGENCIES**

Ex. Ord. No. 9235, Sept. 3, 1942, 7 F. R. 6987, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (Public Law 354—77th Cong.) (sections 601-605 of this appendix), by Title II of the Budget and Accounting Act, 1921 (42 Stat. 20) (Title 31, §§ 11, 13-24), and as President of the United States, and for the purpose of providing such general direction and control over the use of supplies and equipment in the Executive branch of the Government as will insure the most economical and effective utilization thereof, it is hereby ordered as follows:

1. As used in this order:

(a) *Government agency* means any executive department, independent establishment, agency, commission, board, bureau, division, administration, service, or office of the Executive branch of the Federal Government, including any independent regulatory commission or board and any Government-owned or Government-controlled corporation.

(b) *Supplies and equipment* means any and all supplies, equipment, machines, commodities, accessories, parts, assemblies, or products of any



kind in the possession of any Government agency, whether new or used, in use or in storage: *Provided*, that supplies and equipment which the Director of the Bureau of the Budget determines to be within the following categories shall not be subject to this order: (1) tactical supplies and equipment of the War Department, the Navy Department, or the United States Maritime Commission, (2) food and clothing, (3) construction materials acquired for the maintenance or construction of housing, electric power works or facilities, roads, reservoirs, or other physical improvements, (4) supplies and equipment acquired by any Government agency for transfer or export to any foreign government, and (5) supplies and equipment acquired from foreign or domestic sources for stock piling in connection with the war.

2. The Director of the Bureau of the Budget, acting through such assistants as he may designate, shall:

(a) Survey supplies and equipment in possession of Government agencies and the utilization thereof. For this purpose he may require the Government agencies to submit reports and estimates in such form and at such times as he may find necessary: *Provided*, that in making such surveys he shall utilize, subject to the approval of the Secretary of the Treasury, the services and facilities of the Procurement Division of the Treasury Department:

(b) Develop and promulgate such qualitative and quantitative standards with respect to supplies and equipment used by Government agencies as he may deem necessary to effectuate the purposes of this order;

(c) Require, when, in his opinion, such action is necessary or expedient, the transfer from one Government agency to another, for permanent or temporary use, of such supplies and equipment as he may determine to be surplus to the needs of one agency and essential to the needs of another agency;

(d) Consult with and seek the advice of the War Production Board in connection with the administration of paragraphs (a), (b), and (c) above;

(e) Issue such regulations and directives as may be necessary to effectuate this order.

3. The Procurement Division of the Treasury Department shall undertake such warehousing, rehabilitation, and physical distribution of supplies and equipment for Government agencies, and, in connection therewith, shall take over such Government warehouses, appurtenant facilities, and personnel used or employed by other Government agencies in the performance of these functions, together with such funds heretofore or hereafter provided therefor, as the Director of the Bureau of the Budget may approve.

4. This order shall become effective October 16, 1942, and shall continue in force and effect so long as Title I of the First War Powers Act, 1941, remains in force.

5. This order shall be published in the Federal Register.

#### TITLE IV.—TIME LIMIT AND SHORT TITLE

§ 621. Termination of sections 601-605, and 611 of this appendix.—Titles I and II of this Act (sections 601-605, and 611 of this appendix) shall remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate. (Dec. 18, 1941, ch. 593, title IV, § 401, 55 Stat. 841.)

#### CROSS REFERENCES

Limitation of act, see section 775 of this appendix.

§ 622. Short title.—This Act may be cited as the "First War Powers Act, 1941." (Dec. 18, 1941, ch. 593, title IV, § 402, 55 Stat. 841.)

#### SECOND WAR POWERS ACT, 1942

ACT MAR. 27, 1942, 3 P. M., E. W. T., CH. 199, 56 STAT. 176

#### TITLE II.—ACQUISITION AND DISPOSITION OF PROPERTY

§ 632. Real property for war purposes.—The Act of July 2, 1917 (40 Stat. 241) (Title 50, § 171), entitled "An Act to au-



thorize condemnation proceedings of lands for military purposes", as amended, is hereby amended by adding at the end thereof the following section:

"Sec. 2. The Secretary of War, the Secretary of the Navy, or any other officer, board, commission, or governmental corporation authorized by the President, may acquire by purchase, donation, or other means of transfer, or may cause proceedings to be instituted in any court, having jurisdiction of such proceedings, to acquire by condemnation, any real property, temporary use thereof, or other interest therein, together with any personal property located thereon or used therewith, that shall be deemed necessary, for military, naval, or other war purposes, such proceedings to be in accordance with the Act of August 1, 1888 (25 Stat. 357) (Title 40, §§ 257, 258), or any other applicable Federal statute, and may dispose of such property or interest therein by sale, lease, or otherwise, in accordance with section 1 (b) of the Act of July 2, 1940 (54 Stat. 712) (section 1171 of this appendix). Upon or after the filing of the condemnation petition, immediate possession may be taken and the property may be occupied, used, and improved for the purposes of this Act (this section and section 171 of Title 50), notwithstanding any other law. Property acquired by purchase, donation, or other means of transfer may be occupied, used, and improved, for the purposes of this section prior to the approval of title by the Attorney General as requested by section 355 of the Revised Statutes, as amended (Title 33, § 733; Title 34, § 520; Title 40, § 255; Title 50, § 175)." (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199. title II, § 201, 56 Stat. 177.)

#### POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. No. 9280, following section 514 of Title 5, Executive Departments and Government Officers and Employees.

#### EX. ORD. NO. 9249. SECRETARY OF AGRICULTURE, ACQUISITION AND DISPOSITION OF PROPERTY

Ex. Ord. No. 9249, Oct. 1, 1942, 7 F. R. 7874, provided:

By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the Secretary of Agriculture is hereby authorized to exercise, through such officials of the Department of Agriculture and its agencies as he may designate, the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for war purposes in connection with the Emergency Rubber Project of the Department of Agriculture or in connection with the storing and warehousing of agricultural commodities and products by the said Department.

#### TITLE III.—PRIORITIES POWERS

§ 633. Amendment of section 1152 of this Appendix.—Subsection (a) of section 2 of the Act of June 28, 1940 (54 Stat. 676) (section 1152 (a) of this Appendix), entitled "An Act to expedite national defense, and for other purposes", as amended by the Act of May 31, 1941 (Public Law Numbered 89, Seventy-seventh Congress), is hereby amended to read as follows:



"Sec. 2 (a) (1) That whenever deemed by the President of the United States to be in the best interests of the national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy is hereby authorized to negotiate contracts for the acquisition, construction, repair, or alteration of complete naval vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment, with or without advertising or competitive bidding upon determination that the price is fair and reasonable. Deliveries of material under all orders placed pursuant to the authority of this paragraph and all other naval contracts or orders and deliveries of material under all Army contracts or orders shall, in the discretion of the President, take priority over all deliveries for private account or for export: *Provided*, That the Secretary of the Navy shall report every three months to the Congress the contracts entered into under the authority of this paragraph: *Provided further*, That contracts negotiated pursuant to the provisions of this paragraph shall not be deemed to be contracts for the purchase of such materials, supplies, articles, or equipment as may usually be bought in the open market within the meaning of section 9 of the Act entitled 'An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes', approved June 30, 1936 (49 Stat. 2036; U. S. C., Supp. V, Title 41, secs. 35-45): *Provided further*, That nothing herein contained shall relieve a bidder or contractor of the obligation to furnish the bonds under the requirements of the Act of August 24, 1935 (49 Stat. 793; 40 U. S. C. § 270 (a) to (d)): *Provided further*, That the cost-plus-a-percentage-of-cost system of contract when such use is deemed necessary by the Secretary of this paragraph to negotiate contracts; but this proviso shall not be construed to prohibit the use of the cost-plus-a-fixed-fee form of contract when such use is deemed necessary by the Secretary of the Navy: *And further provided*, That the fixed fee to be paid the contractor as a result of any contract entered into under the authority of this paragraph, or any War Department contract entered into in the form of cost-plus-a-fixed-fee, shall not exceed 7 per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of the Navy or the Secretary of War, as the case may be.)

"(2) Deliveries of material to which priority may be assigned pursuant to paragraph (1) shall include, in addition to deliveries of material under contracts or orders of the Army or Navy, deliveries of material under—

"(A) Contracts or orders for the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled 'An Act to promote the defense of the United States' (Title 22, § 411 et seq.);

"(B) Contracts or orders which the President shall deem necessary or appropriate to promote the defense of the United States;



“(C) Subcontracts or suborders which the President shall deem necessary or appropriate to the fulfillment of any contract or order as specified in this subsection (a).

Deliveries under any contract or order specified in this subsection (a) may be assigned priority over deliveries under any other contract or order; and the President may require acceptance of and performance under such contracts or orders in preference to other contracts or orders for the purpose of assuring such priority. Whenever the President is satisfied that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of any material or of any facilities for defense or for private account or for export, the President may allocate such material or facilities in such manner, upon such conditions and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense.

“(3) The President shall be entitled to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, any person (which, for the purpose of this subsection (a), shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not), and make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this subsection (a).

“(4) For the purpose of obtaining any information, verifying any report required, or making any investigation pursuant to paragraph (3), the President may administer oaths and affirmations, and may require by subpoena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided*, That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides or transacts business, if, prior to the return date specified in the subpoena issued with respect thereto, such person furnishes the President with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the President as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. No person shall be excused from attending and testifying or from producing any books, records, or other documentary evidence or certified copies thereof or physical evidence in obedience to any such subpoena, or in any action or proceeding which may be instituted under this subsection (a), on the ground that the testimony or evi-



dence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be subject to prosecution and punishment or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The President shall not publish or disclose any information obtained under this paragraph which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the President determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding \$1,000, or be imprisoned not exceeding two years, or both.

“(5) Any person who willfully fails to perform any act prohibited, or willfully performs any act required by, any provision of this subsection (a) or any rule, regulation, or order thereunder, whether heretofore or hereafter issued, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than one year, or both.

“(6) The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States and the courts of the Philippine Islands shall have jurisdiction of violations of this subsection (a) or any rule, regulation, or order or subpoena thereunder, whether heretofore or hereafter issued, and of all civil actions under this subsection (a) to enforce any liability or duty created by, or to enjoin any violation of, this subsection (a) or any rule, regulation, order or subpoena thereunder whether heretofore or hereafter issued. Any criminal proceeding on account of any such violation may be brought in any district in which any act, failure to act, or transaction constituting the violation occurred. Any such civil action may be brought in any such district or in the district in which the defendant resides or transacts business. Process in such cases, criminal or civil, may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found; and subpoena for witnesses who are required to attend a court in any district in any such case may run into any other district. No costs shall be assessed against the United States in any proceeding under this subsection (a).

“(7) No person shall be held liable for damages on penalties for any default under any contract or order which shall result directly or indirectly from compliance with this subsection (a) or any rule, regulation, or order issued thereunder, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid.

“(8) The President may exercise any power, authority, or discretion conferred on him by this subsection (a), through such department, agency, or officer of the Government as he may



direct and in conformity with any rules or regulations which he may prescribe."

"(9) The district courts of the United States are hereby given exclusive jurisdiction to enjoin or set aside, in whole or in part, any order suspending any priority or allocation, or denying a stay of any such suspension, that may have been issued by any person, officer, or agency, acting or purporting to act hereunder, or under any other law or authority.

"Any action to enjoin or set aside any such order shall be brought within five days after the service thereof.

"No suspension order shall take effect within five days after it has been served, or, if an application for a stay is made to the issuing authority within such five-day period until the expiration of five days after service of an order denying the stay.

"The venue of any such suit shall be in the district court of the United States for the district in which the petitioner has his principal place of business; and the respondent shall be subject to the jurisdiction of such court after ten days before the return day of the writ, either when (1) process shall have been served on any district manager or other agent of the respondent of similar or superior status; or (2) notice by registered mail shall have been given to respondent, or to the office of the Attorney General of the United States." (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title III, § 303, 56 Stat. 177, as amended Dec. 20, 1944, ch. 614, 58 Stat. 827.)

#### POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. 9280, following section 514 of Title 5, Executive Departments and Government Officers and Employees.

#### TITLE VI.—POWER TO REQUISITION

**§ 636. Amendment of section 721 of this Appendix.**—The last paragraph of section 1 of the Act of October 16, 1941 (55 Stat. 742) (section 721 of this Appendix), entitled "An Act to authorize the President of the United States to requisition property required for the defense of the United States", is amended by deleting subdivision (3) thereof, so that the paragraph will read as follows:

"Nothing contained in this Act (section 721 et seq. of this Appendix) shall be construed—

"(1) to authorize the requisitioning or require the registration of any firearms possessed by an individual for his personal protection or sport (and the possession of which is not prohibited or the registration of which is not required by existing law),

"(2) to impair or infringe in any manner the right of any individual to keep or bear arms." (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VI, § 601, 56 Stat. 181.)

**§ 636a. Same; further amendment.**—The second sentence of the first paragraph of section 1 of the Act of October 16, 1941 (55 Stat. 742) (section 721 of this Appendix), entitled "An Act to authorize the President of the United States to requisition property required for the defense of the United States", is amended by striking out the words "on the basis of the fair



market value of the property at" and inserting in lieu thereof the words "as of"; and at the end of such sentence, before the period, inserting the words "in accordance with the provision for just compensation in the fifth amendment to the Constitution of the United States", so that such sentence will read as follows: "The President shall determine the amount of the fair and just compensation to be paid for any property requisitioned and taken over pursuant to this Act (section 721 et seq. of this Appendix) and the fair value of any property returned under section 2 of this Act (section 722 of this Appendix), but each such determination shall be made as of the time it is requisitioned or returned, as the case may be, in accordance with the provision for just compensation in the fifth amendment to the Constitution of the United States." (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VI, § 602, 56 Stat. 181.)

#### TITLE VII.—POLITICAL ACTIVITY

§ 637. Amendment of section 61h of Title 18.—Subsection (a) of section 9 of the Act of August 2, 1939 (53 Stat. 1148) (Title 18, § 61h (a)), entitled "An Act to prevent pernicious political activities", as amended, is hereby amended by adding in the second sentence after the word "thereof" the words "except a part-time officer or part-time employee without compensation or with nominal compensation serving in connection with the existing war effort, other than in any capacity relating to the procurement or manufacture of war material". (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VII, § 701, 56 Stat. 181.)

#### TITLE VIII.—PROTECTION OF WAR INDUSTRIES AND PROTECTION OF RESOURCES SUBJECT TO HAZARDS OF FOREST FIRES

§ 638. Utilization of Civilian Conservation Corps.—The President is empowered to direct the Administrator of the Federal Security Agency to assign the manpower of the Civilian Conservation Corps to the extent necessary to protect the munitions, aircraft, and other war industries, municipal water supply, power and other utilities, and to protect resources subject to the hazards of forest fires. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VIII, § 801, 56 Stat. 181.)

#### TITLE XIII.—INSPECTION AND AUDIT OF WAR CONTRACTORS POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. No. 9280, following section 601 of this Appendix.

§ 643. Plant, books, and records of war contractors; definition of defense contract; agency designated to administer provisions.—The provisions of section 10 (l) of an Act approved July 2, 1926 (44 Stat. 787; 10 U. S. C. § 310 (l) (giving the Government the right to inspect the plant and audit the books of certain Contractors), shall apply to the plant, books, and records of any contractor with whom a defense contract has been placed at any time after the declaration of an emergency on September 8, 1939, and before the termination of the present



war: *Provided*, That, for the purpose of this title, the term "defense contract" shall mean any contract, subcontract, or order placed in furtherance of the defense or war effort: *And provided further*, That the inspection and audit authorized herein, and the determination whether a given contract is a "defense contract" as defined above, shall be made by a governmental agency or officer designated by the President, or by the Chairman of the War Production Board. (Mar. 27, 1942, 3 p. m. E. W. T., ch. 199, title XIII, § 1301, 56 Stat. 185.)

#### CROSS REFERENCES

War and defense contract acts generally, see section 1151 et seq. of this Appendix.

#### EX. ORD. NO. 9127. INSPECTION OF PLANTS AND AUDIT OF BOOKS OF DEFENSE CONTRACTORS

Ex. Ord. No. 9127, Apr. 10, 1942, 7 F. R. 2753, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941 (sections 601-605 of this Appendix), and Title XIII of the Second War Powers Act, 1942 (sections 643-643c of this Appendix), as President of the United States and Commander in Chief of the Army and Navy of the United States, and in order to prevent the accumulation of unreasonable profits, to avoid waste of Government funds, and to implement other measures which have been undertaken to forestall price rises and inflation, it is hereby ordered as follows:

1. I hereby designate the War Production Board, the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance Corporation as the governmental agencies authorized to inspect the plant and to audit the books and records, as provided by Title XIII of the said Second War Powers Act, 1942 (sections 643-643c of this Appendix). Such inspection and audit and the determination whether a given contract is a defense contract, as defined in Title XIII of the Second War Powers Act, 1942 (sections 643-643c of this Appendix), may be made in the case of (a) any contractor with whom a defense contract has been placed by such agency, or, in the case of the Reconstruction Finance Corporation, by any corporation created or organized by it, at any time after the declaration of emergency on September 8, 1939, and before the termination of the present war, and in the case of (b) any subcontractor performing work required by any such defense contract. The Chairman of the War Production Board is authorized to issue rules and regulations and to establish policies to coordinate and govern the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance Corporation in exercising the functions vested in them by this order.

2. The authority herein conferred may be exercised by the Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the United States Maritime Commission, and the Board of Directors of the Reconstruction Finance Corporation, respectively, or in their discretion and by their direction, respectively, may be exercised also by and through any officer or officers or civilian officials of their respective departments and agencies designated by them for those purposes. The Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the United States Maritime Commission, or the Board of Directors of the Reconstruction Finance Corporation may authorize such officer or officers or civilian officials of their respective departments or agencies to make further delegations of such powers and authority within their respective departments and agencies.

3. In inspecting any plant engaged in producing, manufacturing, processing, constructing, altering, or repairing any defense article of a secret, confidential, or restricted nature, or which is produced, manufactured, processed, constructed, altered, or repaired in accordance with or under any



secret process, formula, patent, or invention, and in auditing the books and records in connection with any such defense contract, such inspection shall be regarded as secret, confidential, or restricted, as the case may be, and all reports, records, papers, documents, and writings relating to such inspection or audit shall be marked or stamped as secret, confidential, or restricted, as the case may be, and shall be handled in accordance with regulations prescribed and in force in the department or agency concerned relating to the handling of secret, confidential, or restricted matters, reports, records, papers, documents, and writings.

4. The power to administer oaths or affirmations and to issue subpoenas for the attendance of witnesses or the production of books, records, or other documentary or physical evidence deemed relevant to the inquiry, conferred by section 1302, and, through the Department of Justice, the power to invoke the aid of any court of the United States, conferred by section 1303, Title XIII, of said Second War Powers Act (this section), may be exercised, performed, or carried out by the Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, any member of the United States Maritime Commission, or the Chairman of the Board of Directors of the Reconstruction Finance Corporation, as the case may be, or by such other officer or officers or civilian officials as may be authorized, empowered or directed by any of them so to do for his respective department or agency.

5. Nothing herein shall affect or limit the authority and power conferred upon or granted to the Chairman of the War Production Board by Title XIII of said Second War Powers Act, 1942 (sections 643-643c of this Appendix).

**§ 643a. Oaths and affirmations; attendance and testimony of witnesses; production of records and other evidence; unlawful disclosure of information obtained.**—For the purpose of obtaining any information or making any inspection or audit pursuant to section 1301, any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, may administer oaths and affirmations and may require by supena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be deemed relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided*, That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides or transacts business, if, prior to the return date specified in the subpoena issued with respect thereto, such person furnishes such agency or the Chairman of the War Production Board, as the case may be, with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with such agency or the Chairman of the War Production Board, as the case may be, as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. No person shall be excused from attending and testifying or from producing any books, records, or other documentary evidence or certified copies thereof or physical evidence in obedience to any such subpoena, or in any action or proceeding which may be instituted under this section, on the ground



that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be subject to prosecution and punishment or to any penalty of forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Such agency or the Chairman of the War Production Board shall not publish or disclose any information obtained under this title which such agency or the Chairman of the War Production Board deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless such agency or the Chairman of the War Production Board determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding \$1,000, or be imprisoned not exceeding two years, or both. (Mar. 27, 1942, 3 p. m. E. W. T., ch. 199, title XIII, § 1302, 56 Stat. 185.)

**§ 643b. Refusal to give evidence, etc.; assistance of courts; penalties.**—In case of contempt by, or refusal to obey a subpoena issued to, any person, any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, may invoke the aid of any court of the United States within the jurisdiction of which any investigation or proceeding under this title is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, records, or other documentary or physical evidence. And such court may issue an order requiring such person to give testimony or produce any books, records, or other documentary or physical evidence touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, records, or other documentary or physical evidence, if in his power to do so, in obedience to the subpoena of any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than \$5,000, or to imprisonment for a term of not more than one year, or both. (Mar. 27, 1942, 3 p. m. E. W. T., ch. 199, title XIII, § 1303, 56 Stat. 186.)

**§ 643c. Definition of person.**—For purposes of this title the term "person" shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not. (Mar. 27, 1942, 3 p. m. E. W. T., ch. 199, title XIII, § 1304, 56 Stat. 186.)



## TITLE XIV.—UTILIZATION OF VITAL WAR INFORMATION

§ 644a. Availability of Commerce Department's records, etc., to other agencies; regulations; penalties for unlawful disclosure of information.—That notwithstanding any other provision of law, any record, schedule, report, or return, or any information or data contained therein, now or hereafter in the possession of the Department of Commerce, or any bureau or division thereof, may be made available by the Secretary of Commerce to any branch or agency of the Government, the head of which shall have made written request therefor for use in connection with the conduct of the war. The President shall issue regulations with respect to the making available of any such record, schedule, report, return, information or data, and with respect to the use thereof after the same has been made available. No person shall disclose or make use of any individual record, schedule, report, or return, or any information or data contained therein contrary to the terms of such regulations; and any person knowingly and willfully violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding \$1,000, or be imprisoned not exceeding two years, or both. (Mar. 27, 1942, 3 p. m. E. W. T., ch. 199, title XIV, § 1402, 56 Stat. 186.)

EX. ORD. NO. 9157. REGULATIONS FOR MAKING AVAILABLE RECORDS, SCHEDULES, REPORTS, RETURNS AND OTHER INFORMATION BY THE SECRETARY OF COMMERCE

Ex. Ord. No. 9157, May 9, 1942, 7 F. R. 3505, provided:

1. Whenever any executive department or independent agency desires to have made available to it, pursuant to said section 1402, any record, schedule, report, or return, or any information or data contained therein, in the possession of the Department of Commerce, for use in connection with the conduct of the war, the head of such department or agency shall make a written request of the Secretary of Commerce to have such document or information made available to it, which request shall include:

(a) The name of the official who, or the bureau, division or section which is to utilize the information;

(b) A description of the document or information desired to be made available;

(c) The manner in which it is desired that the document or information shall be made available; whether by inspection or by being furnished with copies thereof;

(d) The name of the representative of the official, bureau, division, or section who is to make the inspection, or to whom the information is to be furnished;

(e) A statement that the document or information is to be used in connection with the conduct of the war and of the manner in which it is to be so used.

If the information requested by the head of the department or agency is of a statistical character, a copy of the request shall be submitted to the Division of Statistical Standards of the Bureau of the Budget at the time the request is submitted to the Secretary of Commerce.

2. Upon the receipt of the request, the Secretary of Commerce may make available the document or information requested, either by furnishing the information, or by furnishing the original or a copy of the document, or by permitting personal inspection of the same, and the Secretary of Commerce may impose such conditions and restrictions on the use of such document or information as he may deem advisable so as to protect any confidential feature that may be imposed by law or regulation on such document or information, consistent with the purposes of said section 1402 of the Second War Powers Act, 1942, and these regulations.



The Secretary of Commerce shall inform the Division of Statistical Standards of his action upon each request made, under section 1 of this order, if the information is of a statistical character.

3. The document or information that may be made available shall not be used for purposes, or disclosed to any person or agency, not covered by the request, or contrary to the conditions and restrictions imposed by the Secretary of Commerce.

4. Additional expenses incurred by the Department of Commerce in making available the documents or information requested shall be borne by the requesting agency.

5. The term "person", as used in these regulations, shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

6. These regulations shall not be applicable to or restrict the furnishing by the Department of Commerce of information to other agencies of the Government or to the general public, which is not made confidential by statute or regulation.

**§ 644b. Definition of person.**—For purposes of this title the term "person" shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not. (Mar. 27, 1942, 3 p. m. E. W. T., ch. 199, title XIV, § 1403, 56 Stat. 186.)

#### TITLE XV.—TIME LIMIT AND SHORT TITLE

**§ 645. Termination of portions of Act.**—Titles I to VII, inclusive, and titles IX, XI, and XIV of this Act [sections 631-637, 639, 641-641e, and 644-644b of this Appendix], and the amendments to existing law made by any such title, shall remain in force only until December 31, 1945, or until such earlier time as the two Houses of Congress by concurrent resolution, or the President, may designate, and after such amendments cease to be in force any provision of law amended thereby shall be in full force and effect as though this Act [sections 631-645e of this Appendix] had not been enacted; but no court proceedings brought under any such title shall abate by reason of the termination hereunder of such title. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XV, § 1501, 56 Stat. 187, as amended Dec. 20, 1944, ch. 615, 58 Stat. 827.)

#### AMENDMENTS

1944—Act Dec. 20, 1944, cited to text, amended section by extending termination date from Dec. 31, 1944, to Dec. 31, 1945.

#### CROSS REFERENCE

Limitation of act, see section 775 of this Appendix.

**§ 645a. Short title of Act.**—This Act may be cited as the "Second War Powers Act, 1942". (Mar. 27, 1942, 3 p. m., E. W. T., ch. 169, title XV, § 1502, 56 Stat. 187.)

#### REQUISITION OF MILITARY EQUIPMENT, MATERIALS AND SUPPLIES

**§ 711. Requisition for United States of export military materials.**—Whenever the President determines that it is necessary in the interest of national defense or prosecution of war to requisition and take over for the use or operation by the United States or in its interest any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or sup-



plies necessary for the manufacture, servicing, or operation thereof, ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been prohibited or curtailed in accordance with the provisions of section 6 of the Act approved July 2, 1940 (Public, Numbered 703, Seventy-sixth Congress; 54 Stat. 714 (section 701 of this Appendix)), as heretofore or hereafter amended, or any other law, he is hereby authorized and empowered to requisition and take over for the said use or operation by the United States, or in its interest, any of the foregoing articles or materials, and to sell or otherwise dispose of any such articles or materials, or any portion thereof, to a person or a corporation of the United States whenever he shall determine such action to be in the public interest. Any moneys received by the United States as the proceeds of any such sale or other disposition of any such articles or materials or any portion thereof shall be deposited to the credit of that appropriation out of which was paid the cost to the Government of the property thus sold or disposed of, and the same shall immediately become available for the purposes named in the original appropriation: *Provided, however,* That nothing in this section shall modify or repeal section 14 of Public Law Numbered 671, 76th Congress, approved June 28, 1940 (sections 1262a of Title 10, and 546e of Title 34). Oct. 10, 1940, ch. 836, § 1, 54 Stat. 1090; July 2, 1942, ch. 471, § 1, 56 Stat. 467.)

#### POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. No. 9280, following section 601 of this Appendix.

**§ 712. Compensation for appropriated materials.**—Whenever the President shall requisition and take over any article or material pursuant to the provisions of this Act, the owner thereof shall be paid as compensation therefor such sum as the President shall determine to be fair and just. If any such owner is unwilling to accept, as full and complete compensation for such article or material, the sum so determined by the President, such owner shall be paid 50 per centum of the sum so determined by the President and shall be entitled to sue the United States for such additional sum as, when added to the sum already received by such owner, such owner may consider fair and just compensation for such article or material, in the manner provided by sections 41 (20) and 250, Title 28, of the Code of Laws of the United States of America: *Provided,* That recovery shall be confined to the fair market value of such article or material, without any allowance for prospective profits, punitive or other damages. (Oct. 10, 1940, ch. 836, § 2, 54 Stat. 1091.)

**§ 713. Termination of act.**—The authority granted in this Act [sections 711-713 of this Appendix] shall remain in force until June 30, 1945, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate. (Oct. 10, 1940, ch. 836, § 3, 54 Stat. 1091; July 2, 1942, ch. 471, § 3, 56 Stat. 468; June 28, 1944, ch. 308, 58 Stat. 625.)

**§ 721. Requisition of military materials for United States; compensation.**—Whenever the President, during the national



emergency declared by the President on May 27, 1941, but not later than June 30, 1945, determines that (1) the use of any military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment, supplies, or munitions is needed for the defense of the United States; (2) such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted, he is authorized to requisition such property for the defense of the United States upon the payment of fair and just compensation for such property to be determined as hereinafter provided, and to dispose of such property in such manner as he may determine is necessary for the defense of the United States. The President shall determine the amount of the fair and just compensation to be paid for any property requisitioned and taken over pursuant to this Act and the fair value of any property returned under section 2 of this Act (section 722 of this Appendix), but each such determination shall be made as of the time it is requisitioned or returned, as the case may be, in accordance with the provision for just compensation in the fifth amendment to the Constitution of the United States. If, upon any such requisition of property, the person entitled to receive the amount so determined by the President as the fair and just compensation for the property is unwilling to accept the same as full and complete compensation for such property he shall be paid 50 per centum of such amount and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code (U. S. C., 1934 ed., Title 28, secs. 41 (20) and 250) for an additional amount which, when added to the amount so paid to him, he considers to be fair and just compensation for such property. Such courts shall also have power to determine in an appropriate proceeding any questions that may arise with respect to the amount of the fair value to be paid upon the return of any property under section 2 of this Act (section 722 of this Appendix), regardless of the amount in controversy in any such proceeding.

Nothing contained in this Act shall be construed—

(1) to authorize the requisitioning or require the registration of any firearms possessed by an individual for his personal protection or sport (and the possession of which is not prohibited or the registration of which is not required by existing law),

(2) to impair or infringe in any manner the right of any individual to keep and bear arms. (Oct. 16, 1941, ch. 445, § 1, 55 Stat. 742, as amended Mar. 27, 1942, 3 p. m. E. W. T., ch. 199, title VI, §§ 601, 602, 56 Stat. 181; June 30, 1943, ch. 181, § 1, 57 Stat. 271; June 28, 1944, ch. 307, § 1, 58 Stat. 624.)

#### POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. No. 9280, following section 601 of this Appendix.



§ 722. **Return of property to original owner.**—Wherever the President determines that property acquired under this Act and retained is no longer needed for the defense of the United States, he shall, if the original owner desires the property and pays the fair value thereof, return such property to the owner; but in any event, property so acquired and retained shall, if the owner desires the property and pays the fair value thereof, be returned to the owner not later than December 31, 1945. (Oct. 16, 1941, ch. 445, § 2, 55 Stat. 742, amended June 30, 1943, ch. 181, § 2, 57 Stat. 271; June 28, 1944, ch. 307, § 2, 58 Stat. 624.)

§ 723. **Reports to Congress by President.**—The President from time to time, but not less frequently than once every six months, shall transmit to the Congress a report of operations under this Act. (Oct. 16, 1941, ch. 445, § 3, 55 Stat. 743.)

§ 724. **Administration of act.**—The President may issue such rules and regulations and require such information as may be necessary and proper to carry out the provisions of this Act, and he may exercise any power or authority conferred on him by this Act through such department, agency, board, or officer as he shall direct or appoint. (Oct. 16, 1941, ch. 445, § 4, 55 Stat. 743.)

#### EMERGENCY PRICE CONTROL ACT OF 1942

##### \*TITLE I.—GENERAL PROVISIONS AND AUTHORITY

§ 901. **Purposes; time limit; applicability.**—(a) It is hereby declared to be in the interest of the national defense and security and necessary to the effective prosecution of the present war, and the purposes of this Act are, to stabilize prices and to prevent speculative, unwarranted, and abnormal increases in prices and rents; to eliminate and prevent profiteering, hoarding, manipulation, speculation, and other disruptive practices resulting from abnormal market conditions or scarcities caused by or contributing to the national emergency; to assure that defense appropriations are not dissipated by excessive prices; to protect persons with relatively fixed and limited incomes, consumers, wage earners, investors, and persons dependent on life insurance, annuities, and pensions, from undue impairment of their standard of living; to prevent hardships to persons engaged in business, to schools, universities, and other institutions, and to the Federal, State, and local governments, which would result from abnormal increases in prices; to assist in securing adequate production of commodities and facilities; to prevent a post emergency collapse of value; to stabilize agricultural prices in the manner provided in section 3 (section 903 of this Appendix); and to permit voluntary cooperation between the Government and producers, processors, and others to accomplish the aforesaid purposes. It shall be the policy of those departments and agencies of the Government dealing with wages (including the Department of Labor and its various bureaus, the War Department, the Navy Department, the War Production Board, the National Labor Relations Board, the National Mediation Board, the National War Labor Board, and others heretofore or hereafter created), within the limits of their authority and jurisdiction, to work toward a stabilization of prices, fair and equitable wages, and cost of production.



(b) The provisions of this Act, and all regulations, orders, price schedules, and requirements thereunder, shall terminate on June 30, 1945, or upon the date of a proclamation by the President, or upon the date specified in a concurrent resolution by the two Houses of the Congress, declaring that the further continuance of the authority granted by this Act is not necessary in the interest of the national defense and security, whichever date is the earlier; except that as to offenses committed, or rights or liabilities incurred, prior to such termination date, the provisions of this Act and such regulations, orders, price schedules, and requirements shall be treated as still remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability, or offense.

(c) The provisions of this Act shall be applicable to the United States, its Territories and possessions, and the District of Columbia. (Jan. 30, 1942, ch. 26, title I, § 1, 56 Stat. 23, as amended Oct. 2, 1942, ch. 578, § 7a, 56 Stat. 767; June 30, 1944, ch. 325, Title I, § 101, 58 Stat. 632.)

EX. ORD. NO. 9250. PROVIDING FOR THE STABILIZING OF THE  
NATIONAL ECONOMY

Ex. Ord. No. 9250, Oct. 3, 1942, 7 F. R. 7871, as amended by Ex. Ord. 9381, Sept. 25, 1943, 8 F. R. 13083, provided:

By virtue of the authority vested in me by the Constitution and the Statutes, and particularly by the Act of October 2, 1942 (sections 961-971 of this Appendix), entitled "An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes", as amended by the Public Debt Act of 1943 (Public Law 34—78th Congress) (sections 757b, 757c of Title 31, and sections 964, 964a of this Appendix), as President of the United States and Commander in Chief of the Army and Navy, and in order to control so far as possible the inflationary tendencies and the vast dislocations attendant thereon which threaten our military effort and our domestic economic structure, and for the more effective prosecution of the war, it is hereby ordered as follows:

TITLE I.—ESTABLISHMENT OF AN OFFICE OF ECONOMIC STABILIZATION

1. There is established in the Office for Emergency Management of the Executive Office of the President an Office of Economic Stabilization at the head of which shall be an Economic Stabilization Director (hereinafter referred to as the Director).

2. There is established in the Office of Economic Stabilization an Economic Stabilization Board with which the Director shall advise and consult. The Board shall consist of the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Chairman of the Board of Governors of the Federal Reserve System, the Director of the Bureau of the Budget, the Price Administrator, the Chairman of the National War Labor Board, and two representatives each of labor, management, and farmers to be appointed by the President. The Director may invite for consultation the head of any other department or agency. The Director shall serve as Chairman of the Board.

3. The Director, with the approval of the President, shall formulate and develop a comprehensive national economic policy relating to the control of civilian purchasing power, prices, rents, wages, salaries, profits, rationing, subsidies, and all related matters—all for the purpose of preventing avoidable increases in the cost of living, cooperating in minimizing the unnecessary migration of labor from one business, industry, or region to another, and facilitating the prosecution of the war. To give effect to this comprehensive national economic policy the Director shall have power to issue directives on policy to the Federal departments and agencies concerned.

4. The guiding policy of the Director and of all departments and agencies of the Government shall be to stabilize the cost of living in accordance with the Act of October 2, 1942 (sections 961-971 of this Appendix), as amended



by the Public Debt Act of 1943 (sections 757b, 757c of Title 31, and sections 964, 964a of this Appendix); and it shall be the duty and responsibility of the Director and of all departments and agencies of the Government to cooperate in the execution of such administrative programs and in the development of such legislative programs as may be necessary to that end. The administration of activities related to the national economic policy shall remain with the departments and agencies now responsible for such activities, but such administration shall conform to the directives on policy issued by the Director.

#### TITLE II.—WAGE AND SALARY STABILIZATION POLICY

1. No increases in wage rates, granted as a result of voluntary agreement, collective bargaining, conciliation, arbitration, or otherwise, and no decreases in wage rates, shall be authorized unless notice of such increases or decreases shall have been filed with the National War Labor Board, and unless the National War Labor Board has approved such increases or decreases.

2. The National War Labor Board shall not approve any increase in the wage rates prevailing on September 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct gross inequities, or to aid in the effective prosecution of the war.

*Provided, however,* that where the National War Labor Board or the Price Administrator shall have reason to believe that a proposed wage increase will require a change in the price ceiling of the commodity or service involved, such proposed increase, if approved by the National War Labor Board, shall become effective only if also approved by the Director.

3. The National War Labor Board shall not approve a decrease in the wages for any particular work below the highest wages paid therefor between January 1, 1942 and September 15, 1942, unless to correct gross inequities and to aid in the effective prosecution of the war.

4. The National War Labor Board shall, by general regulation, make such exemptions from the provisions of this title in the case of small total wage increases as it deems necessary for the effective administration of this Order.

5. No increases in salaries now in excess of \$5,000 per year (except in instances in which an individual has been assigned to more difficult or responsible work), shall be granted until otherwise determined by the Director.

6. Except as provided in regulations issued by the Director, no decrease shall be made by any employer in the salary for any particular work below the highest salary paid therefor between January 1, 1942, and September 15, 1942, if the effect of the decrease is to reduce the salary below \$5,000 per annum.

7. Omitted.

8. The policy of the Federal Government, as established in Executive Order No. 9017 of January 12, 1942, to encourage free collective bargaining between employers and employees is reaffirmed and continued.

9. Insofar as the provisions of Clause (1) of section 302 (c) of the Emergency Price Control Act of 1942 (section 942 (c) of this Appendix) are inconsistent with this Order, they are hereby suspended.

#### TITLE III.—ADMINISTRATION OF WAGE AND SALARY POLICY

1. Except as modified by this Order, the National War Labor Board shall continue to perform the powers, functions, and duties conferred upon it by Executive Order No. 9017, and the functions of said Board are hereby extended to cover all industries and all employees. The National War Labor Board shall continue to follow the procedures specified in said Executive Order.

2. The National War Labor Board shall constitute the agency of the Federal Government authorized to carry out the wage policies stated in this Order, or the directives on policy issued by the Director under this Order. The National War Labor Board is further authorized to issue such rules and regulations as may be necessary for the speedy determination of the propriety of any wage increases or decreases in accordance with this Order, and to avail itself of the services and facilities of such State and



Federal departments and agencies as, in the discretion of the National War Labor Board, may be of assistance to the Board.

3. No provision with respect to wages contained in any labor agreement between employers and employees (including the Shipbuilding Stabilization Agreements as amended on May 16, 1942, and the Wage Stabilization Agreement of the Building Construction Industry arrived at May 22, 1942) which is inconsistent with the policy herein enunciated or hereafter formulated by the Director shall be enforced except with the approval of the National War Labor Board within the provisions of this Order. The National War Labor Board shall permit the Shipbuilding Stabilization Committee and the Wage Adjustment Board for the Building Construction Industry, both of which are provided for in the foregoing agreements, to continue to perform their functions therein set forth, except insofar as any of them is inconsistent with the terms of this Order.

4. In order to effectuate the purposes and provisions of this Order and the Act of October 2, 1942 (sections 961-97- of this Appendix), any wage or salary payment made in contravention thereof shall be disregarded by the Executive Departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942 (sections 901-946 of this Appendix) or any maximum price regulation thereof, or for the purpose of calculating deductions under the Revenue Laws of the United States or for the purpose of determining costs or expenses under any contract made by or on behalf of the Government of the United States.

#### TITLE IV.—PRICES OF AGRICULTURAL COMMODITIES

1. The prices of agricultural commodities and of commodities manufactured or processed in whole or substantial part from any agricultural commodity shall be stabilized, so far as practicable, on the basis of levels which existed on September 15, 1942 and in compliance with the Act of October 2, 1942 (sections 961-971 of this Appendix).

2. In establishing, maintaining or adjusting maximum prices for agricultural commodities or for commodities processed or manufactured in whole or in substantial part from any agricultural commodity, appropriate deductions shall be made from parity price or comparable price for payments made under the Soil Conservation and Domestic Allotment Act, as amended, parity payments made under the Agricultural Adjustment Act of 1938, as amended, and governmental subsidies.

3. Subject to the directives on policy of the Director, the price of agricultural commodities shall be established or maintained or adjusted jointly by the Secretary of Agriculture and the Price Administrator; and any disagreement between them shall be resolved by the Director. The price of any commodity manufactured or processed in whole or in substantial part from an agricultural commodity shall be established or maintained or adjusted by the Price Administrator, in the same administrative manner provided for under the Emergency Price Control Act of 1942 (sections 901-946 of this Appendix).

4. The provisions of sections 3 (a) and 3 (c) of the Emergency Price Control Act of 1942 (section 903 (a), (c) of this Appendix) are hereby suspended to the extent that such provisions are inconsistent with any or all prices established under this Order for agricultural commodities, or commodities manufactured or processed in whole or in substantial part from an agricultural commodity.

#### TITLE V.—PROFITS AND SUBSIDIES

1. The Price Administrator in fixing, reducing, or increasing prices, shall determine price ceilings in such a manner that profits are prevented which in his judgment are unreasonable or exorbitant.

2. The Director may direct any Federal department or agency including, but not limited to, the Department of Agriculture (including the Commodity Credit Corporation and the Surplus Marketing Administration), the Department of Commerce, the Reconstruction Finance Corporation, and other corporations organized pursuant to Section 5d of the Reconstruction Finance Corporation Act, as amended (sections 606b, 609j of Title 15), to use its authority to subsidize and to purchase for resale, if such measures are necessary to insure the maximum necessary production and distribution of



any commodity, or to maintain ceiling prices, or to prevent a price rise inconsistent with the purposes of this Order.

#### TITLE VI.—GENERAL PROVISIONS

1. Nothing in this Order shall be construed as affecting the present operation of the Fair Labor Standards Act (section 201 et seq. of Title 29), the National Labor Relations Act (section 151 et seq. of Title 29), the Walsh-Healey Act (sections 35-45 of Title 41), the Davis-Bacon Act (section 276a of Title 40), or the adjustment procedure of the Railway Labor Act (section 181 et seq. of Title 45).

2. Salaries and wages under this Order shall include all forms of direct or indirect remuneration to an employee or officer for work or personal services performed for an employer or corporation, including but not limited to, bonuses, additional compensation, gifts, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount as determined by the Director); but for the purpose of determining wages or salaries for any period prior to September 16, 1942, such additional compensation shall be taken into account only in cases where it has been customarily paid by employers to their employees. "Salaries" as used in this Order means remuneration for personal services regularly paid on a weekly, monthly or annual basis.

3. The Director shall, so far as possible, utilize the information, data, and staff services of other Federal departments and agencies which have activities or functions related to national economic policy. All such Federal departments and agencies shall supply available information, data, and services required by the Director in discharging his responsibilities.

4. The Director shall be the agency to receive notice of any increase in the rates or charges of common carriers or other public utilities as provided in the aforesaid Act of October 2, 1942 (sections 961-971 of this Appendix).

5. The Director may perform the functions and duties, and exercise the powers, authority, and discretion conferred upon him by this Order through such officials or agencies, and in such manner, as he may determine. The decision of the Director as to such delegation and the manner of exercise thereof shall be final.

6. The Director, if he deems it necessary, may direct that any policy formulated under this Order shall be enforced by any other department or agency under any other power or authority which may be provided by any of the laws of the United States.

7. The Director, who shall be appointed by the President, shall receive such compensation as the President shall provide, and within the limits of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities and services necessary to discharge his responsibilities.

EX. ORD. NO. 9250. (PARTIALLY RESCINDED BY ACT APRIL 12, 1943,  
SEE SECTION 964a OF THIS APPENDIX)

EX. ORD. NO. 9328. STABILIZATION OF WAGES, PRICES, AND SALARIES

Ex. Ord. No. 9328, Apr. 8, 1943, 8 F. R. 4681, provided:

By virtue of the authority vested in me by the Constitution and the statutes, and particularly by the First War Powers Act, 1941 (sections 601-622 of this Appendix), and the Act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes (sections 961-971 of this Appendix)" as President of the United States and Commander in Chief of the Army and Navy, and in order to safeguard the stabilization of prices, wages and salaries, affecting the cost of living on the basis of levels existing on September 15, 1942, as authorized and directed by said Act of Congress of October 2, 1942, and Executive Order No. 9250 of October 3, 1942 (set out as note under section 901 of this Appendix), and to prevent increases in wages, salaries, prices and profits, which, however justifiable if viewed apart from their effect upon the economy, tend to undermine the basis of stabilization, and to provide such regulations with respect to the control of price, wage and salary increases as are necessary to maintain stabilization, it is hereby ordered as follows:



1. In the case of agricultural commodities the Price Administrator and the Administrator of Food Production and Distribution (hereinafter referred to as the Food Administrator) are directed, and in the case of other commodities the Price Administrator is directed to take immediate steps to place ceiling prices on all commodities affecting the cost of living. Each of them is directed to authorize no further increases in ceiling prices except to the minimum extent required by law. Each of them is further directed immediately to use all discretionary powers vested in them by law to prevent further price increases direct or indirect, to prevent profiteering and to reduce prices which are excessively high, unfair or inequitable. Nothing herein, however, shall be construed to prevent the Food Administrator and the Price Administrator, subject to the general policy directives of the Economic Stabilization Director, from making such readjustments in price relationships appropriate for various commodities, or classes, qualities or grades thereof or for seasonal variations or for various marketing areas, or from authorizing such support prices, subsidies or other inducements as may be authorized by law and deemed necessary to maintain or increase production, provided that such action does not increase the cost of living. The power, functions and duties conferred on the Secretary of Agriculture under section 3 of the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) (section 903 of this Appendix) and under section 3 of the Act of October 2, 1942 (Public Law 729, 77th Cong.) (section 963 of this Appendix) are hereby transferred to, and shall be exercised by the Food Administrator.

2. The National War Labor Board, the Commissioner of Internal Revenue and other agencies exercising authority conferred by Executive Order No. 9250 (set out as note under section 901 of this Appendix) or Executive Order 9299 (45 U. S. C. A. § 156 note) and the regulations issued pursuant thereto over wage or salary increases are directed to authorize no further increase in wages or salaries except such as are clearly necessary to correct substandards of living, provided that nothing herein shall be construed to prevent such agencies from making such wage or salary readjustments as may be deemed appropriate and may not have heretofore been made to compensate, in accordance with the Little Steel Formula as heretofore defined by the National War Labor Board, for the rise in the cost of living between January 1, 1941, and May 1, 1942. Nor shall anything herein be construed to prevent such agencies, subject to the general policies and directives of the Economic Stabilization Director, from authorizing reasonable adjustments of wages and salaries in case of promotions, reclassifications, merit increases, incentive wages or the like provided that such adjustments do not increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices.

3. The Chairman of the War Manpower Commission is authorized to forbid the employment by any employer of any new employee or the acceptance of employment by a new employee except as authorized in accordance with regulations which may be issued by the Chairman of the War Manpower Commission, with the approval of the Economic Stabilization Director, for the purpose of preventing such employment at a wage or salary higher than that received by such new employee in his last employment unless the change of employment would aid in the effective prosecution of the war.

4. The attention of all agencies of the Federal Government, and of all State and municipal authorities, concerned with the rates of common carriers or other public utilities, is directed to the stabilization program of which this order is a part so that rate increases will be disapproved and rate reductions effected, consistently with the Act of October 2, 1942 (sections 961-971 of this Appendix), and other applicable federal, state or municipal law, in order to keep down the cost of living and effectuate the purposes of the stabilization program.

5. To provide for the consistent administration of this order and Executive Order No. 9250 (set out under section 901 of this Appendix), and other orders and regulations of similar import and for the effectuation of the purposes of the Act of October 2, 1942 (sections 961-971 of this Appendix), the Economic Stabilization Director is authorized to exercise all powers and duties conferred upon the President by that Act, and the Economic Stabilization Director is authorized and directed to take such action and to issue



such directives under the authority of that Act as he deems necessary to stabilize the national economy, to maintain and increase production and to aid in the effective prosecution of the war. Except insofar as they are inconsistent with this order or except insofar as the Director shall otherwise direct, powers and duties conferred upon the President by the said Act and heretofore devolved upon agencies or persons other than the Director shall continue to be exercised and performed by such agencies and persons.

6. Except insofar as they are inconsistent with this order, Executive Order 9250 (set out under section 901 of this Appendix) and the regulations issued pursuant thereto shall remain in full force and effect.

SUPPLEMENT TO EX. ORD. NO. 9328. MAY 12, 1943, 8 F. R. 6490.

#### ESTABLISHMENT OF WAGE RATE BRACKETS

1. In order to provide clear-cut guides and definite limits as a basis for correcting substandards of living, and as a basis for permitting the Board to make within the existing price structure and within existing levels of production costs, minimum and non-inflationary adjustments which are deemed necessary to "aid in the effective prosecution of the war or to correct gross inequities" within the meaning of section 1 of the Act of October 2, 1942 (section 961 of this Appendix), the Board is authorized to establish as rapidly as possible, by occupational groups and labor market areas, the wage-rate brackets embracing all those various rates found to be sound and tested going rates. All the rates within these brackets are to be regarded as stabilized rates, not subject to change save as permitted by the Little Steel formula. Except in rare and unusual cases in which the critical needs of war production require the setting of a wage at some point above the minimum of the going wage bracket, the minimum of the going rates within the brackets will be the point beyond which the adjustments mentioned above may not be made. The careful application of these wage-rate brackets to concrete cases within the informed judgment of the War Labor Board will strengthen and reinforce the stabilization line to be held. Maladjustments between wages and the cost of living will be considered by the Board only for the purpose of correcting substandard conditions of living, or determining adjustments within the 15 percent limit of the Little Steel formula. In connection with the approval of wage adjustments necessary to eliminate substandards of living or to give effect to the Little Steel formula or in connection with the adoption of a longer workweek, the Board may approve wage or salary adjustments for workers in immediately interrelated job classifications to the extent required to keep the minimum differentials between immediately interrelated job classifications necessary for the maintenance of productive efficiency.

2. All wage adjustments made by the Board which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings, or if no price ceilings are involved which may increase the production costs above the level prevailing in comparable plants or establishments, shall become effective only if also approved by the Economic Stabilization Director. The Board shall cooperate with the Office of Price Administration or such other agency as the Economic Stabilization Director may designate with a view to supplying the Economic Stabilization Director with the data necessary to judge the effect of any proposed wage adjustment on price ceilings and the levels of production costs.

**§ 902. Prices, rents, and market and renting practices.—(a)** Whenever in the judgment of the Price Administrator (provided for in section 201) [section 921 of this Appendix] the price or prices of a commodity or commodities have risen or threaten to rise to an extent or in a manner inconsistent with the purposes of this Act [sections 901-946 of this Appendix], he may by regulation or order establish such maximum price or maximum prices as in his judgment will be generally fair and equitable and will effectuate the purposes of this Act [sections 901-946 of this Appendix]. So far as practicable, in establishing any maximum price, the Administrator shall ascertain and give due consideration to the prices prevailing between October 1 and October 15,



1941 (or if, in the case of any commodity, there are no prevailing prices between such dates, or the prevailing prices between such dates are not generally representative because of abnormal or seasonal market conditions or other cause, then to the prices prevailing during the nearest two-week period in which, in the judgment of the Administrator, the prices for such commodity are generally representative), for the commodity or commodities included under such regulation or order, and shall make adjustments for such relevant factors as he may determine and deem to be of general applicability, including the following: Speculative fluctuations, general increases or decreases in costs of production, distribution, and transportation, and general increases or decreases in profits earned by sellers of the commodity or commodities, during and subsequent to the year ended October 1, 1941: *Provided*, That no such regulation or order shall contain any provision requiring the determination of costs otherwise than in accordance with established accounting methods. Every regulation or order issued under the foregoing provisions of this subsection shall be accompanied by a statement of the considerations involved in the issuance of such regulation or order. As used in the foregoing provisions of this subsection, the term "regulation or order" means a regulation or order of general applicability and effect. Before issuing any regulation or order under the foregoing provisions of this subsection, the Administrator shall, so far as practicable, advise and consult with representative members of the industry which will be affected by such regulation or order, and shall give consideration to their recommendations. In the case of any commodity for which a maximum price has been established, the Administrator shall, at the request of any substantial portion of the industry subject to such maximum price, regulation, or order of the Administrator, appoint an industry advisory committee, or committees, either national or regional or both, consisting of such number of representatives of the industry as may be necessary in order to constitute a committee truly representative of the industry, or of the industry in such region, as the case may be. The committee shall select a chairman from among its members, and shall meet at the call of the chairman. The Administrator shall from time to time, at the request of the committee, advise and consult with the committee with respect to the regulation or order, and with respect to the form thereof, and classifications, differentiations, and adjustments therein. The committee may make such recommendations to the Administrator as it deems advisable, and such recommendations shall be considered by the Administrator. Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act [sections 901-946 of this Appendix], he may, without regard to the foregoing provisions of this subsection, issue temporary regulations or orders establishing as a maximum price or maximum prices the price or prices prevailing with respect to any commodity or commodities within five days prior to the date of issuance of such temporary regulations or orders; but any such temporary regulation or order shall be effective for not more than sixty days, and may be replaced by a



regulation or order issued under the foregoing provisions of this subsection.

(b) Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act [sections 901-946 of this Appendix], he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area. If within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of this Act [sections 901-946 of this Appendix]. So far as practicable, in establishing any maximum rent for any defense-area housing accommodations, the Administrator shall ascertain and give due consideration to the rents prevailing for such accommodations, or comparable accommodations, on or about April 1, 1941 (or if, prior or subsequent to April 1, 1941, defense activities shall have resulted or threatened to result in increases in rents for housing accommodations in such area inconsistent with the purposes of this Act [sections 901-946 of this Appendix], then on or about a date (not earlier than April 1, 1940), which in the judgment of the Administrator, does not reflect such increases), and he shall make adjustments for such relevant factors as he may determine and deem to be of general applicability in respect of such accommodations, including increases or decreases in property taxes and other costs within such defense-rental area. In designating defense-rental areas, in prescribing regulations and orders establishing maximum rents for such accommodations, and in selecting persons to administer such regulations and orders, the Administrator shall, to such extent as he determines to be practicable, consider any recommendations which may be made by State and local officials concerned with housing or rental conditions in any defense-rental area. Whenever the Administrator shall find that, in any defense-rental area or any portion thereof specified by him, the availability of adequate rental housing accommodations and other relevant factors are such as to make rent control unnecessary for the purpose of eliminating speculative, unwarranted, and abnormal increases in rents and of preventing profiteering, and speculative and other disruptive practices resulting from abnormal market conditions caused by congestion, the controls imposed upon rents by authority of this Act [sections 901-946 of this Appendix] in such defense-rental area or portion thereof shall be forthwith abolished; but whenever in the judgment of the Administrator it is necessary or proper, in order to effectuate the purpose of this Act [sections 901-946 of this Appendix], to re-establish the regulation of rents in any such defense-rental area or portion thereof, he may forthwith by regulation or order re-establish maximum rents for housing accommodations therein in



accordance with the standards set forth in this Act [sections 901-946 of this Appendix].

(c) Any regulation or order under this section may be established in such form and manner, may contain such classifications and differentiations, and may provide for such adjustments and reasonable exceptions, as in the judgment of the Administrator are necessary or proper in order to effectuate the purposes of this Act [sections 901-946 of this Appendix]. Under regulations to be prescribed by the Administrator, he shall provide for the making of individual adjustments in those classes of cases where the rent on the maximum rent date for any housing accommodation is, due to peculiar circumstances, substantially higher or lower than the rents generally prevailing in the defense-rental area for comparable housing accommodations, and in those classes of cases where substantial hardship has resulted since the maximum rent date from a substantial and unavoidable increase in property taxes or operating costs. Any regulation or order under this section which establishes a maximum price or maximum rent may provide for a maximum price or maximum rent below the price or prices prevailing for the commodity or commodities, or below the rent or rents prevailing for the defense-area housing accommodations, at the time of the issuance of such regulation or order.

(d) Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act [sections 901-946 of this Appendix], he may, by regulation or order, regulate or prohibit speculative or manipulative practices (including practices relating to changes in form or quality) or hoarding, in connection with any commodity, and speculative or manipulative practices or renting or leasing practices (including practices relating to recovery of the possession) in connection with any defense-area housing accommodations, which in his judgment are equivalent to or are likely to result in price or rent increases, as the case may be, inconsistent with the purposes of this Act [sections 901-946 of this Appendix].

(e) Whenever the Administrator determines that the maximum necessary production of any commodity is not being obtained or may not be obtained during the ensuing year, he may, on behalf of the United States, without regard to the provisions of law requiring competitive bidding, buy or sell at public or private sale, or store or use, such commodity in such quantities and in such manner and upon such terms and conditions as he determines to be necessary to obtain the maximum necessary production thereof or otherwise to supply the demand therefor, or make subsidy payments to domestic producers of such commodity in such amounts and in such manner and upon such terms and conditions as he determines to be necessary to obtain the maximum necessary production thereof: *Provided*, That in the case of any commodity which has heretofore or may hereafter be defined as a strategic or critical material by the President pursuant to section 5d of the Reconstruction Finance Corporation Act [section 609j of Title 15] as amended, such determinations shall be made by the Federal Loan Administrator, with the approval of the President, and, notwithstanding any other provision of this



Act [sections 901-946 of this Appendix] or of any existing law, such commodity may be bought or sold, or stored or used, and such subsidy payments to domestic producers thereof may be paid, only by corporations created or organized pursuant to such section 5d [section 609j of Title 15]; except that in the case of the sale of any commodity by any such corporation, the sale price therefor shall not exceed any maximum price established pursuant to subsection (a) of this section which is applicable to such commodity at the time of sale or delivery, but such sale price may be below such maximum price or below the purchase price of such commodity, and the Administrator may make recommendations with respect to the buying or selling, or storage or use, of any such commodity: *Provided, however,* That, with the exception of any commodity which prior to the effective date of this amendatory proviso [June 30, 1944] has been defined as a strategic or critical material pursuant to section 5d of the Reconstruction Finance Corporation Act [section 609j of Title 15], as amended, no agricultural commodity or commodity manufactured or processed in whole or substantial part from any agricultural commodity intended to be used as food for human consumption, shall, for the purposes of this subsection, be defined as a strategic or critical material pursuant to the provisions of said section 5d of the Reconstruction Finance Corporation Act, as amended [section 609j of Title 15]. In any case in which a commodity is domestically produced, the powers granted to the Administrator by this subsection shall be exercised with respect to importations of such commodity only to the extent that, in the judgment of the Administrator, the domestic production of the commodity is not sufficient to satisfy the demand therefore. Nothing in this section shall be construed to modify, suspend, amend, or supersede any provision of the Tariff Act of 1930, as amended [section 1001 et seq. of Title 19], and nothing in this section, or in any existing law, shall be construed to authorize any sale or other disposition of any agricultural commodity contrary to the provisions of the Agricultural Adjustment Act of 1938, as amended [section 1281 et seq. of Title 7], or to authorize the Administrator to prohibit trading in any agricultural commodity for future delivery if such trading is subject to the provisions of the Commodity Exchange Act, as amended.

After June 30, 1945, neither the Price Administrator nor the Reconstruction Finance Corporation nor any other Government corporation shall make any subsidy payments, or buy any commodities for the purpose of selling them at a loss and thereby subsidizing directly or indirectly the sale of commodities, unless the money required for such subsidies, or sale at a loss, has been appropriated by Congress for such purpose; and appropriation for such purpose are hereby authorized to be made.

(f) No power conferred by this section shall be construed to authorize any action contrary to the provisions and purposes of section 3 [section 903 of this Appendix], and no agricultural commodity shall be sold within the United States pursuant to the provisions of this section by any governmental agency at a price below the price limitations imposed by section 3 (a) of this Act



[section 903 of this Appendix] with respect to such commodity.

(g) Regulations, orders, and requirements under this Act [sections 901-946 of this Appendix] may contain such provisions as the Administrator deems necessary to prevent the circumvention or evasion thereof.

(h) The powers granted in this section shall not be used or made to operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, established in any industry, or changes in established rental practices, except where such action is affirmatively found by the Administrator to be necessary to prevent circumvention or evasion of any regulation, order, price schedule, or requirement under this Act [sections 901-946 of this Appendix].

(i) No maximum price shall be established for any fishery commodity below the average price of such commodity in the year 1942.

(j) Nothing in this Act [sections 901-946 of this Appendix] shall be construed (1) as authorizing the elimination or any restriction of the use of trade and brand names; (2) as authorizing the Administrator to require the grade labeling of any commodity; (3) as authorizing the Administrator to standardize any commodity, unless the Administrator shall determine, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to such commodity; or (4) as authorizing any order of the Administrator fixing maximum prices for different kinds, classes, or types of a commodity which are described in terms of specifications or standards, unless such specifications or standards were, prior to such order, in general use in the trade or industry affected, or have previously been promulgated and their use lawfully required by another Government agency.

(k) No regulation, order, or price schedule issued under this Act [sections 901-946 of this Appendix] shall, after the effective date of this subsection, require any seller of goods at retail to limit his sales with reference to any highest price line offered for sale by him at any prior time.

(l) Before growers' maximum prices are established or lowered for any agricultural commodity which is the product of annual or seasonal planting, the Price Administrator shall give to such growers, not less than 15 days prior to the normal planting season in each major producing area affected, notice of the maximum prices he proposes to establish therefor: *Provided*, That in no case shall this subsection require such notice to be given more than 12 months prior to the beginning of the normal marketing season in such area. This requirement may be satisfied by publication in the Federal Register, but the Administrator shall utilize appropriate means to insure general publicity to such prices in the areas affected. The requirements of this subsection shall not apply to the 1944 crop of any agricultural commodity of any major producing area in which the normal planting season occurs prior to July 31, 1944.

(m) No agency, department, officer, or employee of the Government, in the payment of sums authorized by this or other



Acts of Congress relating to the production or sale of agricultural commodities, or in contracts for the purchase of any such commodities by the Government or any department or agency thereof, or in any allocation of materials or facilities, or in fixing quotas for the production or sale of any such commodities, shall impose any conditions or penalties not authorized by the provisions of the Act or Acts, or lawful regulations issued thereunder, under which sums are authorized, such contracts are made, materials and facilities allocated, or quotas for the production or sale of any such commodities are imposed. Any person aggrieved by any action of any agency, department, officer, or employee of the Government contrary to the provisions hereof, or by the failure to act of any such agency, department, officer, or employee, may petition the district court of the district in which he resides or has his place of business for an order or a declaratory judgment to determine whether any such action or failure to act is in conformity with the provisions hereof and otherwise lawful; and the court shall have jurisdiction to grant appropriate relief. The provisions of the Judicial Code as to monetary amount involved necessary to give jurisdiction to a district court shall not be applicable in any such case. (Jan. 30, 1942, ch. 26, title I, § 2, 56 Stat. 24, as amended July 16, 1943, ch. 241, § 5 (a), 57 Stat. 566; June 30, 1944, ch. 325, title I, § 102, 58 Stat. 632.)

§ 903. **Agricultural commodities.**—(a) No maximum price shall be established or maintained for any agricultural commodity below the highest of any of the following prices, as determined and published by the Secretary of Agriculture: (1) 110 per centum of the parity price for such commodity, adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials, or, in case a comparable price has been determined for such commodity under subsection (b), 110 per centum of such comparable price, adjusted in the same manner, in lieu of 110 per centum of the parity price so adjusted; (2) the market price prevailing for such commodity on October 1, 1941; (3) the market price prevailing for such commodity on December 15, 1941; or (4) the average price for such commodity during the period July 1, 1919, to June 30, 1929.

(b) For the purposes of this Act, parity prices shall be determined and published by the Secretary of Agriculture as authorized by law. In the case of any agricultural commodity other than the basic crops corn, wheat, cotton, rice, tobacco, and peanuts, the Secretary shall determine and publish a comparable price whenever he finds, after investigation and public hearing, that the production and consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for basic commodities.

(c) No maximum price shall be established or maintained for any commodity processed or manufactured in whole or substantial part from any agricultural commodity below a price which will reflect to producers of such agricultural commodity a price for such agricultural commodity equal to the highest price therefor specified in subsection (a).



(d) Nothing contained in this Act shall be construed to modify, repeal, supersede, or affect the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Title 7, §§ 601, 602, 608a-608c, 608d, 608e, 610, 612, 614, 624, 671-674), or to invalidate any marketing agreement, license, or order, or any provision thereof or amendment thereto heretofore or hereafter made or issued under the provisions of such Act.

(e) Notwithstanding any other provision of this or any other law, or action shall be taken under this Act [sections 901-946 of this Appendix] by the Administrator or any other person with respect to any agricultural commodity without the prior approval of the Secretary of Agriculture; except that the Administrator may take such action as may be necessary under section 202 and section 205 [sections 922 and 925 of this Appendix] to enforce compliance with any regulation, order, price schedule or other requirement with respect to an agricultural commodity which has been previously approved by the Secretary of Agriculture.

(f) No provision of this Act or of any existing law shall be construed to authorize any action contrary to the provisions and purposes of this section.

(g) Whenever a maximum price has been established, under this Act [sections 901-946 of this Appendix] or otherwise, with respect to any fresh fruit or any fresh vegetable, the Administrator from time to time shall adjust such maximum price in order to make appropriate allowances for substantial reductions in merchantable crop yields, unusual increases in costs of production, and other factors which result from hazards occurring in connection with the production and marketing of such commodity. (Jan. 30, 1942, ch. 26, title I, § 3, 56 Stat. 27, as amended June 30, 1944, ch. 325, title I, § 103, 58 Stat. 636.)

#### INCONSISTENT LAWS

Provisions of this section insofar as they are inconsistent with provisions of Ex. Ord. No. 9250, Oct. 3, 1942, set out under section 901 of this Appendix, are suspended by paragraph 4 of title IV of said order.

#### SUSPENSION OF SUBSECS. (A), (C)

Suspension of subsecs. (a) and (c) by President, see section 962 of this Appendix.

**§ 904. Prohibitions.**—(a) It shall be unlawful regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, for any person to sell or deliver any commodity, or in the course of trade or business to buy or receive any commodity, or to demand or receive any rent for any defense-area housing accommodations, or otherwise to do or omit to do any act, in violation of any regulation or order under section 2 (section 902 of this Appendix), or of any price schedule effective in accordance with the provisions of section 206 (section 926 of this Appendix), or of any regulation, order, or requirement under section 202 (b) or section 205 (f) (sections 922 (b) or 925 (f) of this Appendix), or to offer, solicit, attempt, or agree to do any of the foregoing.



(b) It shall be unlawful for any person to remove or attempt to remove from any defense-area housing accommodations the tenant or occupant thereof or to refuse to renew the lease or agreement for the use of such accommodations, because such tenant or occupant has taken, or proposes to take, action authorized or required by this Act or any regulation, order, or requirement thereunder.

(c) It shall be unlawful for any officer or employee of the Government, or for any adviser or consultant to the Administrator in his official capacity, to disclose, otherwise than in the course of official duty, any information obtained under this Act, or to use any such information, for personal benefit.

(d) Nothing in this Act shall be construed to require any person to sell any commodity or to offer any accommodations for rent. (Jan. 30, 1942, ch. 26, title I, § 4, 56 Stat. 28.)

**§ 905. Voluntary agreements.**—In carrying out the provisions of this Act, the Administrator is authorized to confer with producers, processors, manufacturers, retailers, wholesalers, and other groups having to do with commodities, and with representatives and associations thereof, to cooperate with any agency or person, and to enter into voluntary arrangements or agreements with any such persons, groups, or associations relating to the fixing of maximum prices, the issuance of other regulations or orders, or the other purposes of this Act, but no such arrangement or agreement shall modify any regulation, order, or price schedule previously issued which is effective in accordance with the provisions of section 2 or section 206 (section 902 or 926 of this Appendix). The Attorney General shall be promptly furnished with a copy of each such arrangement or agreement. (Jan. 30, 1942, ch. 26, title I, § 5, 56 Stat. 28.)

## TITLE II.—ADMINISTRATION AND ENFORCEMENT

**§ 921. Administration.**—(a) There is hereby created an Office of Price Administration, which shall be under the direction of a Price Administrator (referred to in this Act as the "Administrator"). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$12,000 per annum. The Administrator may, subject to the civil-service laws, appoint such employees as he deems necessary in order to carry out his functions and duties under this Act, and shall fix their compensation in accordance with the Classification Act of 1923, as amended (Title 5, §§ 661-673, 674). The Administrator may utilize the services of Federal, State, and local agencies and may utilize and establish such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may appear for and represent the Administrator in any case in any court. In the appointment, selection, classification, and promotion of officers and employees of the Office of Price Administration, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency.



(b) The principal office of the Administrator shall be in the District of Columbia, but he or any duly authorized representative may exercise any or all of his powers in any place. The President is authorized to transfer any of the powers and functions conferred by this Act upon the Office of Price Administration with respect to a particular commodity or commodities to any other department or agency of the Government having other functions relating to such commodity or commodities, and to transfer to the Office of Price Administration any of the powers and functions relating to priorities or rationing conferred by law upon any other department or agency of the Government with respect to any particular commodity or commodities; but, notwithstanding any provision of this or any other law, no powers or functions conferred by law upon the Secretary of Agriculture shall be transferred to the Office of Price Administration or to the Administrator, and no powers or functions conferred by law upon any other department or agency of the Government with respect to any agricultural commodity, except powers and functions relating to priorities or rationing, shall be so transferred.

(c) The Administrator shall have authority to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere; for lawbooks and books of reference; for paper, printing and binding; and for purchase of commodities in order to obtain information or evidence of violations of price, rent, or rationing regulations or orders or price schedules) as he may deem necessary for the administration and enforcement of this Act [sections 901-946 of this Appendix]. The provisions of section 3709 of the Revised Statutes [section 5 of Title 41] shall not apply to the purchase of supplies and services by the Administrator where the aggregate amount involved does not exceed \$250.

(d) The Administrator may, from time to time, issue such regulations and orders as he may deem necessary or proper in order to carry out the purposes and provisions of this Act.

(e) All agencies, offices, or officers of the Government exercising supervisory or policy-making powers over the Office of Price Administration, War Food Administration, or War Production Board, whether such powers are delegated to such agency, office, or officer by this or any other Act or by Executive order, shall exercise such powers only through formal written orders or regulations which shall be promptly published in the Federal Register, but shall not otherwise be subject to the provisions of the Federal Register Act [sections 301-310, 311-314 of Title 44]: *Provided*, That no order or regulation shall be published in accordance with the requirements of this subsection containing information which, for reasons of military security, it is not in the public interest to divulge. (Jan. 30, 1942, ch. 26, title II, § 201, 56 Stat. 29, as amended June 30, 1944, ch. 325 title I § 104, 58 Stat. 637.)

#### STABILIZATION ACT OF 1942

§ 961. Stabilization by President of prices, wages, and salaries affecting cost of living; public utility rate increases.—In order to aid in the effective prosecution of the war, the President is au-



thorized and directed, on or before November 1, 1942, to issue a general order stabilizing prices, wages, and salaries, affecting the cost of living; and, except as otherwise provided in this Act, such stabilization shall so far as practicable be on the basis of the levels which existed on September 15, 1942. The President may, except as otherwise provided in this Act, thereafter provide for making adjustments with respect to prices, wages, and salaries, to the extent that he finds necessary to aid in the effective prosecution of the war or to correct gross inequities: *Provided*, That no common carrier or other public utility shall make any general increase in its rates or charges which were in effect on September 15, 1942, unless it first gives thirty days notice to the President, or such agency as he may designate, and consents to the timely intervention by such agency before the Federal, State, or municipal authority having jurisdiction to consider such increase. (Oct. 2, 1942, ch. 578, § 1, 56 Stat. 765.)

#### SHORT TITLE

Section 12 of act Oct. 2, 1942, cited to text, as added by act June 30, 1944, ch. 325, title II, § 205, 58 Stat. 643, provided: "This Act [sections 961-971 of this Appendix] may be cited as the 'Stabilization Act of 1942'."

**§ 962. Regulations; delegation of authority; suspension of certain provisions of Emergency Price Control Act of 1942.**—The President may, from time to time, promulgate such regulations as may be necessary and proper to carry out any of the provisions of this Act; and may exercise any power or authority conferred upon him by this Act through such department, agency, or officer as he shall direct. The President may suspend the provisions of sections 3 (a) and 3 (c), and clause (1) of section 302 (c), of the Emergency Price Control Act of 1942 (sections 903 (a), 903 (c), and 942 (c) (1) of this Appendix) to the extent that such sections are inconsistent with the provisions of this Act, but he may not under the authority of this Act suspend any other law or part thereof. (Oct. 2, 1942, ch. 578, § 2, 56 Stat. 765.)

**§ 963. Maximum prices for agricultural commodities and products.**—No maximum price shall be established or maintained for any agricultural commodity under authority of this Act or otherwise below a price which will reflect to producers of agricultural commodities the higher of the following prices, as determined and published by the Secretary of Agriculture—

(1) The parity price for such commodity (adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials) or, in case a comparable price has been determined for such commodity under and in accordance with the provisions of section 3 (b) of the Emergency Price Control Act of 1942 (section 903 (b) of this Appendix), such comparable price (adjusted in the same manner), or

(2) The highest price received by such producers for such commodity between January 1, 1942, and September 15, 1942 (adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials), or, if the market for such commodity was inactive during the latter half of such period, a price for the commodity determined by the Secretary of Agriculture to be in



line with the prices, during such period, of other agricultural commodities produced for the same general use;

and no maximum price shall be established or maintained under authority of this Act or otherwise for any commodity processed or manufactured in whole or substantial part from any agricultural commodity below a price which will reflect to the producers of such agricultural commodity a price therefor equal to the higher of the prices specified in clauses (1) and (2) of this section: *Provided*, That the President shall, without regard to the limitation contained in clause (2), adjust any such maximum price to the extent that he finds necessary to correct gross inequities; but nothing in this section shall be construed to permit the establishment in any case of a maximum price below a price which will reflect to the producers of any agricultural commodity the price therefor specified in clause (1) of this section: *Provided further*, That modifications shall be made in maximum prices established for any agricultural commodity and for commodities processed or manufactured in whole or substantial part from any agricultural commodity, under regulations to be prescribed by the President, in any case where it appears that such modification is necessary to increase the production of such commodity for war purposes, or where by reason of increased labor or other costs to the producers of such agricultural commodity incurred since January 1, 1941, the maximum prices so established will not reflect such increased costs: *Provided further*, That in the fixing of maximum prices on products resulting from the processing of agricultural commodities, including livestock, a generally fair and equitable margin shall be allowed for such processing: *Provided further*, That in fixing price maximums for agricultural commodities and for commodities processed or manufactured in whole or substantial part from any agricultural commodity, as provided for by this Act, adequate weighting shall be given to farm labor.

On and after the date of the enactment of this paragraph, it shall be unlawful to establish, or maintain, any maximum price for any agricultural commodity or any commodity processed or manufactured in whole or substantial part from any agricultural commodity which will reflect to the producers of such agricultural commodity a price below the highest applicable price standard (applied separately to each major item in the case of products made in whole or major part from cotton or cotton yarn) of this Act [sections 961-971 of this Appendix].

The President, acting through any department, agency, or office of the Government, shall take all lawful action to assure that the farm producer of any of the basic agricultural commodities (cotton, corn, wheat, rice, tobacco, and peanuts) and of any agricultural commodity with respect to which a public announcement has been made under section 4 (a) of the Act entitled "An Act to extend the life and increase the credit resources of the Commodity Credit Corporation and for other purposes," approved July 1, 1941, as amended [713a-8 of Title 15] (relating to supporting the prices of nonbasic agricultural commodities), receives not less than the higher of the two prices specified in clauses (1)



and (2) of this section (the latter price as adjusted for gross inequity).

The method that is now used for the purposes of loans under section 8 of this Act [section 968 of this Appendix] for determining the parity price or its equivalent for seven-eighths inch Middling cotton at the average location used in fixing the base loan rate for cotton shall also be used for determining the parity price for seven-eighths inch Middling cotton at such average location for the purposes of this section; and any adjustments made by the Secretary of Agriculture or the War Food Administrator for grade, location, or seasonal differentials for the purposes of this section shall be made on the basis of the parity price so determined. (Oct 2, 1942, ch. 578, § 3, 56 Stat. 766, as amended June 30, 1944, ch. 325, title II, § 201, 58 Stat. 642.)

**§ 964. Wages and salaries; limitations on control.**—No action shall be taken under authority of this Act with respect to wages or salaries, (1) which is inconsistent with the provisions of the Fair Labor Standards Act of 1938, as amended, or the National Labor Relations Act (Title 29, §§ 151-166), or (2) for the purpose of reducing wages or salaries for any particular work below the highest wages or salaries paid therefor between January 1, 1942, and September 15, 1942.

In any dispute between employees and carriers subject to the Railway Labor Act, as amended [sections 151-163 of Title 45], as to changes affecting wage or salary payments, the procedures of such Act shall be followed for the purpose of bringing about a settlement of such dispute. Any agency provided for by such Act, as a prerequisite to effecting or recommending a settlement of any such dispute, shall make a specific finding and certification that the changes proposed by such settlement or recommended settlement are consistent with such standards as may be then in effect, established by or pursuant to law, for the purpose of controlling inflationary tendencies. Where such finding and certification are made by such agency, they shall be conclusive, and it shall be lawful for the employees and carriers, by agreement, to put into effect the changes proposed by the settlement or recommended settlement with respect to which such finding and certification were made. (Oct. 2, 1942, ch. 578, § 4, 56 Stat. 766, as amended Apr. 12, 1943, ch. 52, § 4 (a), 57 Stat. 63; June 30, 1944, ch. 325, title II, § 202, 58 Stat. 642.)

**§ 964a. Rescission of stabilization of wages order.**—Section 7 of title II, and all other provisions of Executive Order Numbered 9250, "Providing for the stabilization of the national economy" issued October 3, 1942, and all provisions of Regulation Numbered 4001.9, promulgated by the Economic Stabilization Director on October 27, 1942, which are in conflict with section 964 of this Appendix are hereby rescinded; and (2) all orders, regulations, and other directives, and all decisions, promulgated or made by virtue of the said Executive order or regulation which are in conflict with this section are hereby rescinded. (Apr. 12, 1943, ch. 52, § 4 (b), 57 Stat. 63.)

**§ 965. Wages and salaries; prohibition of violation of regulations; employer's reduction of salaries over \$5,000; regulation of**



**payment of double time.**—(a) No employer shall pay, and no employee shall receive, wages or salaries in contravention of the regulations promulgated by the President under this Act. The President shall also prescribe the extent to which any wage or salary payment made in contravention of such regulations shall be disregarded by the executive departments and other governmental agencies in determining the costs or expenses of any employer for the purposes of any other law or regulation.

(b) Nothing in this Act shall be construed to prevent the reduction by any private employer of the salary of any of his employees which is at the rate of \$5,000 or more per annum.

(c) The President shall have power by regulation to limit or prohibit the payment of double time except when, because of emergency conditions, an employee is required to work for seven consecutive days in any regularly scheduled work week. (Oct. 2, 1942, ch. 578, § 5, 56 Stat. 767.)

**§ 966. Termination of act.**—The provisions of this Act (except sections 8 and 9 (sections 968 and 969 of this Appendix, and amendments to Title 15, § 713a-8), and all regulations thereunder, shall terminate on June 30, 1945, or on such earlier date as the Congress by concurrent resolution, or the President by proclamation, may prescribe. (Oct. 2, 1942, ch. 578, § 6, 56 Stat. 767, as amended June 30, 1944, ch. 325, title II, § 203, 58 Stat. 643.)

**§ 967. Emergency Price Control Act of 1942: amendment; applicability of, and construction with this act.**—(a) Section 1 (b) of the Emergency Price Control Act of 1942 (section 901 (b) of this Appendix) is hereby amended by striking out “June 30, 1943” and substituting “June 30, 1944”.

(b) All provisions (including prohibitions and penalties) of the Emergency Price Control Act of 1942 (section 901 et seq. of this Appendix) which are applicable with respect to orders or regulations under such Act shall, insofar as they are not inconsistent with the provisions of this Act, be applicable in the same manner and for the same purposes with respect to regulations or orders issued by the Price Administrator in the exercise of any functions which may be delegated to him under authority of this Act.

(c) Nothing in this Act shall be construed to invalidate any provision of the Emergency Price Control Act of 1942 (section 901 et seq. of this Appendix) (except to the extent that such provisions are suspended under authority of section 2 (section 962 of this Appendix)), or to invalidate any regulation, price schedule, or order issued or effective under such Act. (Oct. 2, 1942, ch. 578, § 7, 56 Stat. 767.)

**§ 968. Crop loans.**—(a) The Commodity Credit Corporation is authorized and directed to make available upon any crop of the commodities cotton, corn, wheat, rice, tobacco, and peanuts harvested after December 31, 1941, and before the expiration of the two-year period beginning with the 1st day of January immediately following the date upon which the President by proclamation or the Congress by concurrent resolution declares that hostilities in the present war have terminated, if producers have not disapproved marketing quotas for such commodity for the



marketing year beginning in the calendar year in which such crop is harvested, loans as follows:

(1) To cooperators (except cooperators outside the commercial corn-producing area, in the case of corn) at the rate in the case of cotton of 95 per centum, and at the rate in the case of the other commodities of 90 per centum, of the parity price;

(2) To cooperators outside the commercial corn-producing area, in the case of corn, at the rate of 75 per centum of the rate specified in (1) above;

(3) To noncooperators (except noncooperators outside the commercial corn-producing area, in the case of corn) at the rate of 60 per centum of the rate specified in (1) above and only on so much of the commodity as would be subject to penalty if marketed.

(b) All provisions of law applicable with respect to loans under the Agricultural Adjustment Act of 1938, as amended (Title 7, §§ 612c, 1281 et seq.; Title 15, §§ 713c, 713c-1; Title 16, §§ 590h, 590o), shall, insofar as they are not inconsistent with the provisions of this section, be applicable with respect to loans made under this section.

(c) In the case of any commodity with respect to which loans may be made at the rate provided in paragraph (1) of subsection (a), the President may fix the loan rate at any rate not less than the loan rate otherwise provided by law if he determines that the loan rate so fixed is necessary to prevent an increase in the cost of feed for livestock and poultry and to aid in the effective prosecution of the war. (Oct. 2, 1942, ch. 578, § 8, 56 Stat. 767, as amended June 30, 1944, ch. 325, title II, § 204, 58 Stat. 643; Oct. 3, 1944, ch. 479, § 37 (a), 58 Stat. 784.)

#### EFFECTIVE DATE

Section 204 of act June 30, 1944, cited to text, provided in part: "The amendment made by this section [section 204 of Act June 30, 1944, cited to text], shall be applicable with respect to crops harvested after December 31, 1943. In the case of loans made under such section 8 [section 968 of this Appendix], upon any of the 1944 crop of any commodity before the amendment made by this section takes effect, the Commodity Credit Corporation is authorized and directed to increase or provide for increasing the amount of such loans to the amount of the loans which would have been made if the loan rate specified in this section had been in effect at the time the loans were made."

Subsec. (b) of section 37 of act Oct. 3, 1944, cited to text, provided: "(b) The amendment made by this section shall be applicable only with respect to crops harvested after December 31, 1943, but shall not apply to crops planted after 1944. In the case of loans made under such section 8 upon any of the 1944 crop of cotton before the amendment made by this section takes effect, the Commodity Credit Corporation is authorized and directed to increase or provide for increasing the amount of such loans to the amount of the loans which would have been made if the loan rate specified in the amendment made by this section had been in effect at the time the loans were made."

**§ 969. Amendment of provision relating to encouragement of production of non-basic agricultural commodities.**—(a) Section 4 (a) of the Act entitled "An Act to extend the life and increase the credit resources of the Commodity Credit Corporation, and for other purposes", approved July 1, 1941 (U. S. C., 1940 edition, Sup. I, Title 15, sec. 713a-8), is amended—

(1) By inserting after the words "so as to support" a comma and the following: "during the continuance of the present war and



until the expiration of the two-year period beginning with the 1st day of January immediately following the date upon which the President by proclamation or the Congress by concurrent resolution declares that hostilities in the present war have terminated.”.

(2) By striking out “85 per centum” and inserting in lieu thereof “90 per centum”.

(3) By inserting after the word “tobacco” a comma and the word “peanuts”.

(b) The amendments made by this section shall, irrespective of whether or not there is any further public announcement under such section 4 (a) (Title 15, § 713a-8 (a)), be applicable with respect to any commodity with respect to which a public announcement has heretofore been made under such section 4 (a) (Title 15, § 713a-8 (a)). (Oct. 2, 1942, ch. 578, § 9, 56 Stat. 768.)

**§ 970. Definition of wages and salaries.**—When used in this Act, the terms “wages” and “salaries” shall include additional compensation, on an annual or other basis, paid to employees by their employers for personal services (excluding insurance and pension benefits in a reasonable amount to be determined by the President); but for the purpose of determining wages or salaries for any period prior to September 16, 1942, such additional compensation shall be taken into account only in cases where it has been customarily paid by employers to their employees. (Oct. 2, 1942, ch. 578, § 10, 56 Stat. 768.)

**§ 971. Violations; penalties.**—Any individual, corporation, partnership, or association willfully violating any provision of this Act, or of any regulation promulgated thereunder, shall, upon conviction thereof, be subject to a fine of not more than \$1,000, or to imprisonment for not more than one year, or to both such fine and imprisonment. (Oct. 2, 1942, ch. 578, § 11, 56 Stat. 768.)

**§ 1016. Amendment of Civil Service Retirement Act.**—(a) The last sentence of subsection (c) of the first section of the Civil Service Retirement Act, approved May 29, 1930, as amended, is amended by striking out “any elective officer,”.

(b) Subsection (a) of section 2 of such Act of May 29, 1930, as amended, is amended by striking out: “*Provided, however,* That no provision of this or any other Act relating to automatic separation from the service shall have any application whatever to any elective officer”.

(c) Subsection (a) of section 3 of such Act of May 29, 1930, as amended, is amended to read as follows:

“(a) This Act (Title 5, § 691 et seq.) shall apply to all officers and employees in or under the executive, judicial, and legislative branches of the United States Government, and to all officers and employees of the municipal government of the District of Columbia, except elective officers and heads of executive departments: *Provided*, That this Act (Title 5, § 691 et seq.) shall not apply to any such officer or employee of the United States or of the municipal government of the District of Columbia subject to another retirement system for such officers and employees of such governments: *Provided further*, That this Act (Title 5, § 691 et seq.) shall not apply to any officer or employee in the legislative branch of the Government within the classes of officers and employees



which were made eligible for the benefits of this Act (Title 5, § 691 et seq.) by the Act of July 13, 1937 (Title 5, §§693b-693d, 698b, 715d, and 719a), until he gives notice in writing to the disbursing officer by whom his salary is paid, of his desire to come within the purview of this Act (Title 5, § 691 et seq.); and any officer or employee within such classes may, within sixty days after January 24, 1942, withdraw from the purview of this Act (Title 5, § 691, et seq.) by giving similar notice of such desire. In the case of any officer or employee in the service of the legislative branch of the Government on January 24, 1942, such notice of desire to come within the purview of this Act (Title 5, § 691 et seq.) must be given within the calendar year 1942. In the case of any officer or employee of the legislative branch of the Government who enters the service after January 24, 1942, such notice of desire to come within the purview of this Act (Title 5, § 691 et seq.) must be given within six months after the date of entrance to the service."

(d) The amounts deducted and withheld from the basic salary, pay, or compensation of any officer made ineligible for the benefits of such Act of May 29, 1930, as amended (Title 5, § 691 et seq.), by the amendments made by this section to such Act of May 29, 1930 (affecting Title 5, §§ 691 (c), 693 (a), 715 (a)), and deposited to the credit of the civil-service retirement and disability fund, and any additional amounts paid into such fund by such officer, shall be returned to such officer within thirty days after the date of enactment of this Act. (Mar. 7, 1942, ch. 166, § 16, 56 Stat. 147.)

#### WAR AND DEFENSE CONTRACT ACTS

§ 1152. Contracts for acquisition, construction and repair of naval vessels, aircraft, and equipment therefor—(a) (1) Negotiation authorized; priority of deliveries; open market purchases; bond; limitation of contractor's fee.—Whenever deemed by the President of the United States to be in the best interests of the national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy is hereby authorized to negotiate contracts for the acquisition, construction, repair, or alteration of complete naval vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment, with or without advertising or competitive bidding upon determination that the price is fair and reasonable. Deliveries of material under all orders placed pursuant to the authority of this paragraph and all other naval contracts or orders and deliveries of material under all Army contracts or orders shall, in the discretion of the President, take priority over all deliveries for private account or for export: *Provided*, That the Secretary of the Navy shall report every three months to the Congress the contracts entered into under the authority of this paragraph: *Provided further*, That contracts negotiated pursuant to the provisions of this paragraph shall not be deemed to be contracts for the purchase of such materials, supplies, articles, or equipment as may usually be bought in



the open market within the meaning of section 9 of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; 41 U. S. C. §§ 35-45): *Provided further*, That nothing herein contained shall relieve a bidder or contractor of the obligation to furnish the bonds under the requirements of the Act of August 24, 1935 (49 Stat. 793; 40 U. S. C. § 270 (a) to (d)): *Provided further*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used under the authority granted by this paragraph to negotiate contracts; but this proviso shall not be construed to prohibit the use of the cost-plus-a-fixed-fee form of contract when such use is deemed necessary by the Secretary of the Navy: *And provided further*, That the fixed fee to be paid the contractor as a result of any contract entered into under the authority of this paragraph, or any War Department contract entered into in the form of cost-plus-a-fixed-fee, shall not exceed 7 per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of the Navy or the Secretary of War, as the case may be).

(2) **Material entitled to priority in delivery.**—Deliveries of material to which priority may be assigned pursuant to paragraph (1) shall include, in addition to deliveries of material under contracts or orders of the Army or Navy, deliveries of material under—

(A) Contracts or orders for the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" (22 U. S. C. §§ 411-419);

(B) Contracts or orders which the President shall deem necessary or appropriate to promote the defense of the United States;

(C) Subcontracts or suborders which the President shall deem necessary or appropriate to the fulfillment of any contract or order as specified in this subsection (a).

Deliveries under any contract or order specified in this subsection (a) may be assigned priority over deliveries under any other contract or order; and the President may require acceptance of and performance under such contracts or orders in preference to other contracts or orders for the purpose of assuring such priority. Whenever the President is satisfied that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of any material or of any facilities for defense or for private account or for export, the President may allocate such material or facilities in such manner, upon such conditions and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense.

(3) **Inspection of records and property; investigations.**—The President shall be entitled to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, any person (which, for the purpose of this subsection (a), shall include any individual, partnership, association, business trust,



corporation, or any organized group of persons, whether incorporated or not), and make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this subsection (a).

**(4) Attendance of witnesses; production of evidence; fees; privilege of witnesses; disclosure of information.**—For the purpose of obtaining any information, verifying any report required, or making any investigation pursuant to paragraph (3), the President may administer oaths and affirmations, and may require by subpoena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided*, That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides or transacts business, if, prior to the return date specified in the subpoena issued with respect thereto, such person furnishes the President with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the President as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. No person shall be excused from attending and testifying or from producing any books, records, or other documentary evidence or certified copies thereof or physical evidence in obedience to any such subpoena, or in any action or proceeding which may be instituted under this subsection (a), on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be subject to prosecution and punishment or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The President shall not publish or disclose any information obtained under this paragraph which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the President determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding \$1,000, or be imprisoned not exceeding two years, or both.

**(5) Penalties for violation.**—Any person who willfully performs any act prohibited, or willfully fails to perform any act required by, any provision of this subsection (a) or any rule, regulation,



or order thereunder, whether heretofore or hereafter issued, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than one year, or both.

**(6) Jurisdiction of courts; venue of proceedings; service of process; costs.**—The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States and the courts of the Philippine Islands shall have jurisdiction of violations of this subsection (a) or any rule, regulation, or order or subpoena thereunder, whether heretofore or hereafter issued, and of all civil actions under this subsection (a) to enforce any liability or duty created by, or to enjoin any violation of, this subsection (a) or any rule, regulation, order, or subpoena thereunder whether heretofore or hereafter issued. Any criminal proceeding on account of any such violation may be brought in any district in which any act, failure to act, or transaction constituting the violation occurred. Any such civil action may be brought in any such district or in the district in which the defendant resides or transacts business. Process in such cases, criminal or civil, may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found; and subpoena for witnesses who are required to attend a court in any district in any such case may run into any other district. No costs shall be assessed against the United States in any proceeding under this subsection (a).

**(7) Liability for default on contract or orders.**—No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this subsection (a) or any rule, regulation, or order issued thereunder, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid.

**(8) Exercise of powers by President.**—The President may exercise any power, authority, or discretion conferred on him by this subsection (a), through such department, agency, or officer of the Government as he may direct and in conformity with any rules or regulations which he may prescribe.

**(9) Injunction proceedings; jurisdiction; venue.**—The district courts of the United States are hereby given exclusive jurisdiction to enjoin or set aside, in whole or in part, any order suspending any priority or allocation, or denying a stay of any such suspension, that may have been issued by any person, officer, or agency, acting or purporting to act hereunder, or under any other law or authority.

Any action to enjoin or set aside any such order shall be brought within five days after the service thereof.

No suspension order shall take effect within five days after it has been served, or, if an application for a stay is made to the issuing authority within such five-day period, until the expiration of five days after service of an order denying the stay.

The venue of any such suit shall be in the district court of the United States for the district in which the petitioner has his principal place of business; and the respondent shall be subject to the



jurisdiction of such court after ten days before the return day of the writ, either when (1) process shall have been served on any district manager or other agent of the respondent of similar or superior status; or (2) notice by registered mail shall have been given to respondent, or to the office of the Attorney General of the United States.

(b) **Assent by contractors to certain conditions of contract.**—After the date of approval of the Second Supplemental National Defense Appropriation Act, 1941 (September 9, 1940), no contract shall be made for the construction or manufacture of any complete naval vessel or any portion thereof, under the provisions of this section or otherwise, unless the contractor agrees, for the purposes of section 3 of the Act of March 27, 1934 (48 Stat. 505; 34 U. S. C. § 496), as amended—

(1) to pay into the Treasury profit in excess of 8 per centum (in lieu of the 10 per centum specified in such section 3) of the total contract prices of such contracts within the scope of this subsection as are completed by the particular contracting party within the income taxable year;

(2) that any profit in excess of 8.7 per centum of the cost of performing such contracts except prime contracts made on a cost-plus-a-fixed-fee basis as are completed by the contracting party within the income taxable year shall be considered to be profit in excess of 8 per centum of the total contract prices of such contracts; and

(3) that he will make no subcontract which is within the scope of such section 3, unless the subcontractor agrees to the foregoing conditions. (June 28, 1940, ch. 440, title I, § 2, 54 Stat. 676; as amended Sept. 9, 1940, 9 a. m., E. S. T., ch. 717, title II, § 201, 54 Stat. 875; May 31, 1941, ch. 157, 55 Stat. 236; Mar. 27, 1942, 3 p. m., ch. 199, title III, § 301, 5 Stat. 177; Dec. 20, 1944, ch. 614, 58 Stat. 827.)

#### FARM LABOR SUPPLY APPROPRIATION ACT, 1944

**§1351. Appropriation to provide adequate supply of agricultural workers; period of availability.**—There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, namely:

For assisting in providing an adequate supply of workers for the production, harvesting, and preparation for markets of agricultural commodities essential to the prosecution of the war, \$30,000,000, which sum, together with the amount appropriated in the Act of April 29, 1943 (Public Law 45) [set out as a note under this section], shall be merged into one fund, to remain available until December 31, 1944, and to be expended by the War Food Administrator (hereinafter referred to as the "Administrator"), appointed pursuant to Executive Order Numbered 9334, dated April 19, 1943 [set out as note under section 601 of this Appendix]. (Feb. 14, 1944, ch. 16, title I, § 1, 58 Stat. 11.)

#### FARM LABOR ACT OF 1943

Act Apr. 29, 1943, ch. 82, §§ 1-5, 57 Stat. 70, as amended by act June 9, 1943, ch. 119, 57 Stat. 125, act Dec. 23, 1943, ch. 381, § 1, 57 Stat. 643, and act Feb. 14, 1944, cited to text, provided as follows:



"That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$26,100,000, to remain available until the date of the enactment into law of House Joint Resolution 208 of the Seventy-eighth Congress, to be expended by the Administrator of Food Production and Distribution (hereinafter referred to as the 'Administrator'), appointed pursuant to Executive Order Numbered 9322, dated March 26, 1943 [set out as a note under section 601 of this Appendix], for assisting in providing an adequate supply of workers for the production and harvesting of agricultural commodities essential to the prosecution of the war, as follows.

"Sec. 2. (a) For the purpose of assisting in providing an adequate supply of workers for the production and harvesting of agricultural commodities within the several States, the Administrator shall apportion among the several States, on the basis of need, not less than \$9,000,000 and not more than \$13,050,000 of the sum appropriated by section 1 and the sums so apportioned shall be available for payment to such States for expenditure by the agricultural extension services of the land-grant colleges in such States in accordance with such agreements as may be entered into by the Administrator and such extension services and subject to the supervision of the Administrator. The purposes for which such funds may be expended by such extension services shall include, among other things, (1) the recruiting, placement (including the placement of workers as tenants or sharecroppers), and training of such workers; (2) transportation, supervision, subsistence, protection, health and medical and burial services, and shelter for such workers and their families and necessary personal property; (3) lease, repair, alteration, and operation of labor supply centers and other necessary facilities and services, including former Civilian Conservation Corps camps; (4) advancing to workers of sums due from employers within the United States who are under contractual obligation to reimburse such extension services for such advances; (5) employment of personnel and other administrative expenses; and (6) payment to or reimbursement of other public or private agencies or individuals for furnishing services or facilities for such purposes. Such extension services may enter into agreements with other public and private agencies and individuals and utilize the facilities and services of such agencies and individuals in carrying out the purposes of this section.

"(b) The Administrator shall certify to the Secretary of the Treasury, from time to time, the amounts to be paid to each State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State, at the time or times fixed by the Administrator, the amounts so certified.

"Sec. 3. (a) Not more than \$13,050,000 of the funds appropriated by section 1 and not apportioned by the Administrator among the several States pursuant to section 2 shall be available for expenditure by the Administrator. The purposes for which such funds may be expended shall include, among other things, (1) the recruiting and transportation of workers and their families and necessary personal property, within the United States and elsewhere; (2) furnishing, by loans or otherwise, of health and medical and burial services, training, subsistence, allowances, protection, and shelter for such workers and their families; (3) advancing to workers of sums due from employers within the United States who are under contractual obligation to reimburse the United States for such advances; (4) lease, repair, alteration, and operation of labor supply centers and other necessary facilities and services; and (5) operating personnel and expenses to carry out the above purposes.

"(b) Not more than 2 per centum of the funds appropriated by section 1 hereof shall be available for administrative expenses of the Administrator, including (1) the employment of persons and organizations, by contract or otherwise, at the seat of government and elsewhere; (2) purchase, exchange, operation, and maintenance of passenger-carrying vehicles; (3) printing and binding; (4) travel expenses of persons employed in administrative, supervisory, or facilitating capacities within a foreign country or from a foreign country to the United States and return, including such expenses to first-duty stations; and (5) payment to or reimbursement of other agencies or individuals for administrative expenses incurred by them.

"(c) For the purposes of this joint resolution, the Administrator is authorized—



"(1) to utilize the facilities, services, and personnel of units and agencies within the Department of Agriculture; to enter into agreements with other public or private agencies or individuals; to utilize (pursuant to such agreements) the facilities and services of such agencies and individuals and to delegate to them functions under this joint resolution; and to allocate or transfer funds to (in addition to the transfers authorized by the Department of Agriculture Appropriation Acts for the fiscal years 1943 and 1944), or otherwise to pay or reimburse such units, agencies, and individuals for expenses in connection therewith;

"(2) to accept and utilize voluntary and uncompensated services; and

"(3) to cooperate with the Secretary of State in the negotiation or renegotiation of agreements with foreign governments relating to the importation of workers into the United States.

"Sec. 4. (a) No part of the funds herein appropriated shall be expended for the transportation of any worker from the country where he resides or is working to a place of employment outside of such country without the prior consent in writing of the county extension agent of such county, if such worker has resided in such county for a period of one year or more immediately prior thereto and has been engaged in agricultural labor as his principal occupation during such period.

"(b) No part of the funds herein appropriated, or heretofore appropriated or made available to any department or agency of the Government for the recruiting, transportation, or placement of agricultural workers, shall be used directly or indirectly to fix, regulate, or impose minimum wages or housing standards, to regulate hours of work, or to impose or enforce collective-bargaining requirements or union membership, with respect to any agricultural labor, except with respect to workers imported into the United States from a foreign country and then only to the extent required to comply with agreements with the government of such foreign country: *Provided*, That nothing herein contained shall prevent the expenditure of such funds in connection with the negotiation of agreements with employers of agricultural workers which may provide that prevailing wage rates shall be paid for particular crops and areas involved and that shelter shall be provided for such workers.

Sec. 5. (a) Funds appropriated by this joint resolution may be expended without regard to section 3709 of the Revised Statutes [Title 41, § 5].

"(b) Any payments made by the United States or other public or private agencies or employers to aliens brought into the United States under this joint resolution shall not be subject to deduction or withholding under section 143 (b) of the Internal Revenue Code [Title 26, § 143 (b)].

"(c) For the purpose of this joint resolution—

"(1) the term 'State' includes Alaska, Hawaii, and Puerto Rico;

"(2) the term 'worker' includes nationals of the United States and aliens;

"(3) the term 'agricultural labor' includes any services or activities included within the provisions of section 3 (f) of the Fair Labor Standards Act of 1938 [Title 29, § 203 (f)] or section 1426 (h) of the Internal Revenue Code [Title 26, § 1426 (b)].

"(d) Effective July 1, 1943, notwithstanding section 3 of the Act of June 29, 1936 (U. S. C., title 40, sec. 433), receipts derived for the account of the United States from the use and occupancy of agricultural labor supply centers, including camps and facilities heretofore used by or under the control of the Farm Security Administration, shall be deposited in the Treasury as miscellaneous receipts.

"(e) The former Civilian Conservation Corps camps shall be transferred without charge to the Administrator, to the extent that he deems necessary to carry out the purposes of this joint resolution: *Provided*, That no such camp which is being utilized by any other agency of the Government, or which has been transferred to any State, county, municipality, or nonprofit organization, shall be transferred to the Administrator under this subsection without the consent of such agency, State, county, municipality, or organization.

"(f) Notwithstanding provisions of title I of the Social Security Act, as amended [Title 42, §§ 301-306] (relating to grants to States for old-age assistance), and of appropriations for payments thereunder, in any case in which any State pays old-age assistance to any individual at a rate not in excess of the rate of old-age assistance paid to such individual during



the month of July 1943, any failure to take into consideration any income and resources of such individual arising from agricultural labor performed by him as an employee, or from labor otherwise performed by him in connection with the raising or harvesting of agricultural commodities, after the date of enactment of this joint resolution and prior to the seventh calendar month occurring after the termination of hostilities in the present war, as proclaimed by the President, shall not be a basis of excluding payments made to such individual in computing payments made to States under section 3 of such title [Title 42, § 303], of refusing to approve a State plan under section 2 of such title [Title 42, § 302], or of withholding certification pursuant to section 4 of such title [Title 42, § 3041.]

“(g) In order to facilitate the employment by agricultural employers in the United States of native-born residents of North America, South America, and Central America, and the islands adjacent thereto, desiring to perform agricultural labor in the United States, during continuation of hostilities in the present war, any such resident desiring to enter the United States for that purpose shall be exempt from the payment of head tax required by Section 2 of the Immigration Act of February 5, 1917 [Title 8, § 132], and from other admission charges, and shall be exempt from those excluding provisions of Section 3 of such Act [Title 8, § 136], which relate to contract laborers, the requirements of literacy, and the payment of passage by corporations, foreign government or others; and any such resident shall be admitted to perform agricultural labor in the United States for such time and under such conditions (but not including the exaction of bond to insure ultimate departure from the United States) as may be required by regulations prescribed by the Commissioner of Immigration and Naturalization with the approval of the Attorney General; and in the event such regulations require documentary evidence of the country of birth of any such resident which he is unable to furnish, such requirement may be waived by the admitting officer of the United States at the point where such resident seeks entry into the United States if such official has other proof satisfactory to him that such resident is a native of the country claimed as his birthplace. Each such resident shall be provided with an identification card (with his photograph and fingerprints) to be prescribed under such regulations which shall be in lieu of all other documentary requirements, including the registration at time of entry or after entry required by the Alien Registration Act of 1940 [Title 8, §§ 137, 155, 156a, 451-460, and Title 18, §§ 9-13]. Any such resident admitted under the foregoing provisions who fails to maintain the status for which he was admitted or to depart from the United States in accordance with the terms of his admission shall be taken into custody under a warrant issued by the Attorney General at any time after entry and deported in accordance with Section 20 of the Immigration Act of February 5, 1917 [Title 8, § 156]. Sections 5 and 6 of such Act [Title 8, §§ 139, 142] shall not apply to the importation of aliens under this joint resolution. No provision of this joint resolution shall authorize the admission into the United States of any enemy alien.”

#### MIGRATION OF WORKERS

Title II of act Feb. 14, 1944, cited to text, provided as follows: “To enable the War Manpower Commission to provide, in accordance with regulations prescribed by the Chairman of said Commission, for the temporary migration of workers from foreign countries within the Western Hemisphere (pursuant to agreements between the United States and such foreign countries) for employment in the continental United States with industries and services essential to the preservation, marketing, or distribution of agricultural products, including the timber and lumber industries, and including the transportation of such workers from points outside the United States to ports of entry of the United States and return (including transportation from place of employment in the United States to port of entry of the United States in any case of default by an employer to provide such transportation to a worker, in which event the employer shall be liable to the United States for the cost thereof), cost of temporary maintenance of workers in reception centers in foreign countries and in the United States, when necessary, reasonable subsistence and emergency medical care of such workers from the time of reporting for transportation to the United States or return to the country of origin until arrival at the destination, necessary assistance to meet emergency health and welfare problems while in the



United States, when such assistance is not otherwise available to such persons, and guarantees of employment while in the United States to the extent agreed upon with the foreign country from which the worker is imported, fiscal year 1944, \$1,359,200, of which not to exceed \$97,200 shall be available for all administrative expenses necessary for the foregoing, including not to exceed \$10,000 for temporary employment of administrative personnel outside continental United States, not to exceed \$1,000 for printing and binding outside continental United States without regard to section 3709 of the Revised Statutes [Title 41, § 5] and section 11 of the Act of March 1, 1919, (44 U. S. C. 111), and not to exceed \$20,000 for travel expenses: *Provided*, That no transportation of workers shall be allowed hereunder unless the employer and the worker have entered into a contract for employment approved by said Chairman or his designee, and unless said Chairman certifies that reasonably adequate use is being made of local labor supply: *Provided further*, That this appropriation shall remain available after June 30, 1944, for the purpose of fulfilling guarantees and other obligations theretofore incurred with respect to such foreign workers and for all other purposes connected with the protection and ultimate return of any workers theretofore transported: *Provided further*, That no part of this appropriation shall be available for the recruitment or transportation of workers for employment in agriculture for which provision is made in Title I of this Act [sections 1351-1355 of this Appendix]: *Provided further*, That the general provisions under the caption 'Executive Office of the President—Office for Emergency Management', contained in the National War Agencies Appropriation Act, 1944 [Act July 12, 1943, ch. 228, 57 Stat. 522], and applicable to the constituent agencies of the Office for Emergency Management contained therein shall be applicable to the appropriations to the War Manpower Commission contained in this paragraph."

#### ADDITIONAL APPROPRIATION

Additional funds were authorized to be merged with available funds as follows:

1945—\$20,000,000 by act Dec. 22, 1944, ch. 660, title I, § 101, 58 Stat. 863.

**§ 1352. Same; payments to States.**—(a) For the purpose of assisting in providing an adequate supply of workers for the production and harvesting of agricultural commodities within the several States, the Administrator shall apportion among the several States, on the basis of need, not less than \$14,000,000 and not more than \$18,500,000 of the sum appropriated by section 1 [section 1351 of this Appendix] (including apportionments heretofore made) and the sums so apportioned shall be available for payment to such States for expenditure by the agricultural extension services of the land-grant colleges in such States in accordance with such agreements as may be entered into by the Administrator and such extension services and subject to the supervision of the Administrator. The purposes for which such funds may be expended by such extension services shall include, among other things, (1) the recruiting, placement (including the placement of workers as tenants or sharecroppers), and training of such workers; (2) transportation, supervision, subsistence, protection, health and medical and burial services, and shelter for such workers and their families and necessary personal property; (3) lease, repair, alteration, and operation of labor supply centers and other necessary facilities and services, including former Civilian Conservation Corps camps, and not to exceed \$100,000 for the construction of labor supply centers and other necessary facilities and services (not to exceed \$20,000 for any one center); (4) advancing to workers of sums due from employers within the United States who are under contractual obligation to reimburse



such extension services for such advances; (5) employment of personnel and other administrative expenses; (6) payment to or reimbursement of other public or private agencies or individuals for furnishing services or facilities for such purposes; and (7) rendering assistance with respect to the deferment of agricultural labor, including among other things the furnishing of information on the contribution that individuals subject to selective service are making to agricultural production. Such extension services may enter into agreements with other public and private agencies and individuals and utilize the facilities and services of such agencies and individuals in carrying out the purposes of this section.

(b) The Administrator shall certify to the Secretary of the Treasury, from time to time, the amounts to be paid to each State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State, at the time or times fixed by the Administrator, the amounts so certified. (Feb. 14, 1944, ch. 16, title 1, § 2, 58 Stat. 12.)

**§ 1353. Same; purpose of expenditures by Administrator of Food Production and Distribution; cooperation of Administrator with other agencies.**—(a) The funds appropriated by section 1 [section 1351 of this Appendix] and not apportioned by the Administrator among the several States pursuant to section 2 [section 1352 of this Appendix] shall be available for expenditure by the Administrator. The purposes for which such funds may be expended shall include, among other things, (1) the recruiting and transportation of workers and their families and necessary personal property, within the United States and elsewhere; (2) furnishing, by loans or otherwise, of health and medical and burial services, training, subsistence, allowances, protection, and shelter for such workers and their families, including the furnishing of health and medical services to (a) agricultural workers and their families housed in any labor supply center operated as a part of this program, or (b) migratory agricultural workers and their families who, without recruitment or assistance of any Government agency, have entered the area served by any such labor supply center and are engaged in agricultural work in such area, and to whom adequate health and medical services are not otherwise available; (3) advancing to workers of sums due from employers within the United States who are under contractual obligation to reimburse the United States for such advances, the repayments from employers for such advances to be credited to the funds available to the Administrator; (4) determination and payment of claims (not exceeding \$50 in any one case) of workers recruited in foreign countries (a) who, in preparation for transportation to or from the United States and subsequent failure of such transportation, have suffered losses, or (b) who have been transported to the United States and during said transportation, including embarkation and debarkation, have suffered the loss of or damage to personal effects; (5) lease, repair, alteration, relocation, and operation of labor supply centers and other necessary facilities and services; and (6) operating personnel and expenses to carry out the above purposes.



(b) The Administrator is authorized and directed to enter into agreements with the agricultural extension services of the land-grant colleges in the respective States to furnish, on behalf of the United States, for domestic interstate agricultural workers and their families and foreign agricultural workers and their families, while such workers are employed within any such State, any or all of the following services or functions which such State extension services are willing to undertake: Health and medical and burial services, training, subsistence, allowances, supervision, protection and shelter, maintenance and keeping of records of compliance with contracts and international agreements or treaties respecting such workers, and health and medical services for agricultural workers and their families encompassed by clauses (a) and (b) of subsection (a) (2) of this section. The Administrator may require the modification or termination of any agreement with any such extension service whenever he finds such action to be necessary in order to carry out the terms of any treaty or international agreement to which the United States of America is signatory. Whenever a satisfactory agreement cannot be negotiated with any such extension service, or pending the negotiation of an agreement, or whenever the Administrator finds it necessary to terminate an agreement, he shall carry out the foregoing responsibilities and functions with respect to such workers and their families by direct expenditure by the War Food Administration. The Administrator shall allocate to any State extension service from the amount made available by this section, in the manner provided in section 2 of this title [section 1352 of this Appendix], such funds as may be necessary to carry out the duties and responsibilities agreed upon by the Administrator and such State extension service under the provisions of this subsection. The Administrator is further authorized, in connection with the purposes of this subsection, to loan to any State any labor supply center and the facilities and equipment thereof, owned by the United States, under such terms and conditions as he may specify.

(c) Not more than  $11\frac{1}{2}$  per centum of the combined sum of the appropriation in Public Law 45, Seventy-eighth Congress [set out as a note under section 1351 of this Appendix], and the direct appropriation in section 1 hereof [section 1351 of this Appendix], shall be available for administrative expenses of the Administrator under such Public Law 45 and this Act [sections 1351-1355 of this Appendix], including (1) the employment of persons and organizations, by contract or otherwise, at the seat of government and elsewhere; (2) purchase, exchange, operation, and maintenance of passenger-carrying vehicles; (3) printing and binding; (4) travel expenses of persons employed in administrative, supervisory, or facilitating capacities within a foreign country or from a foreign country to the United States and return, including such expenses to first-duty stations; and (5) payment to or reimbursement of other agencies or individuals for administrative expenses incurred by them.

(d) For the purpose of this title [sections 1351-1355 of this Appendix], the Administrator is authorized—



(1) to utilize the facilities, services, and personnel of units and agencies within the Department of Agriculture; to enter into agreements with other public or private agencies or individuals; to utilize (pursuant to such agreements) the facilities and services of such agencies and individuals and to delegate to them functions under this title [sections 1351-1355 of this Appendix]; and to allocate or transfer funds to (in addition to the transfers authorized by the Department of Agriculture Appropriation Acts for the fiscal years 1944 and 1945), or otherwise to pay or reimburse such units, agencies, and individuals for expenses in connection therewith;

(2) to accept and utilize voluntary and uncompensated services; and

(3) to cooperate with the Secretary of State in the negotiation or renegotiation of agreements with foreign governments relating to the importation of workers into the United States. (Feb. 14, 1944, ch. 16, title I, § 3, 58 Stat. 12.)

#### EXPENSE LIMITATION

Act Apr. 1, 1944, ch. 152, title I, § 1, 58 Stat. 157, provided in part:

"Notwithstanding the percentage limitation in section 3 (c) of the Farm Labor Supply Appropriation Act, 1944, [section 1353 (c) of this Appendix] a total amount not exceeding \$972,000 shall be available for administrative expenses pursuant to such section under the combined sum of the direct appropriation in section 1 of such Act [section 1351 of this Appendix] and the appropriation in Public Law 45 of the Seventy-eighth Congress [set out as a note under section 1351 of this Appendix]."

**§ 1354. Same; limitations on use of funds.**—(a) No part of the funds appropriated in this title [sections 1351-1355 of this Appendix] shall be expended for the transportation of any worker from the county where he resides or is working to a place of employment outside of such county without the prior consent in writing of the county extension agent of such county, if such worker has resided in such county for a period of one year or more immediately prior thereto and has been engaged in agricultural labor as his principal occupation during such period.

(b) No part of the funds appropriated in this title [sections 1351-1355 of this Appendix], or heretofore appropriated or made available to any department or agency of the Government for the recruiting, transportation, or placement of agricultural workers, shall be used directly or indirectly to fix, regulate, or impose minimum wages or housing standards, to regulate hours of work, or to impose or enforce collective-bargaining requirements or union membership, with respect to any agricultural labor, except with respect to workers imported into the United States from a foreign country and then only to the extent required to comply with agreements with the government of such foreign country: *Provided*, That nothing herein contained shall prevent the expenditure of such funds in connection with the negotiation of agreements with employers of agricultural workers which may provide that prevailing wage rates shall be paid for particular crops and areas involved and that shelter shall be provided for such workers.

(c) No part of the funds appropriated in this title [sections 1351-1355 of this Appendix] shall be used for the establishment



or maintenance of regional offices. (Feb. 14, 1944, ch. 16, title I, § 4, 58 Stat. 14.)

§ 1355. Same; payments as liable to withholding tax; definitions; deposit of certain receipts; transfer of C. C. C. camps, applicability of social security, immigration and alien registration laws; amendment and supersedure of act April 29, 1943, ch. 82, 57 Stat. 70; use of prisoners of war; short title.—(a) Funds appropriated by this title [sections 1351-1355 of this Appendix] may be expended without regard to section 3709 of the Revised Statutes [Title 41, § 5].

(b) Any payments made by the United States or other public or private agencies or employers to aliens brought into the United States under this title shall not be subject to deduction or withholding under section 143 (b) of the Internal Revenue Code [Title 26, § 143 (b)].

(c) For the purpose of this title [sections 1351-1355 of this Appendix]—

(1) the term "State" includes Alaska, Hawaii, and Puerto Rico;  
 (2) the term "worker" includes nationals of the United States and aliens;

(3) the term "agricultural labor" includes any services or activities included within the provisions of section 3 (f) of the Fair Labor Standards Act of 1938 [Title 29, § 203 (f)] or section 1426 (h) of the Internal Revenue Code [Title 26, § 1426 (h)].

(d) Effective July 1, 1943, notwithstanding section 3 of the Act of June 29, 1936 (U. S. C., title 40, sec. 433), receipts derived for the account of the United States from the use and occupancy of agricultural labor supply centers, including camps and facilities heretofore used by or under the control of the Farm Security Administration, shall be deposited in the Treasury as miscellaneous receipts: *Provided*, That all receipts derived from the furnishing of subsistence to workers shall be credited to the appropriation in section 1 [section 1351 of this Appendix] and be available for expenditure by the Administrator for the replenishment of subsistence supplies and for expenses incident to the furnishing of such subsistence.

(e) The former Civilian Conservation Corps camps shall be transferred without charge to the Administrator, to the extent that he deems necessary to carry out the purposes of this title [sections 1351-1355 of this Appendix]: *Provided*, That no such camp which is being utilized by any other agency of the Government, or which has been transferred to any State, county, municipality, or nonprofit organization, shall be transferred to the Administrator under this subsection without the consent of such agency, State, county, municipality, or organization.

(f) Notwithstanding provisions of title I of the Social Security Act, as amended [Title 42, §§ 301-306] (relating to grants to States for old-age assistance), and of appropriations for payments thereunder, in any case in which any State pays old-age assistance to any individual at a rate not in excess of the rate of old-age assistance paid to such individual during the month of July 1943, any failure to take into consideration any income and resources of such individual arising from agricultural labor performed by him



as an employee, or from labor otherwise performed by him in connection with the raising or harvesting of agricultural commodities, after the date of enactment of this Act [sections 1351-1355 of this Appendix] and prior to the seventh calendar month occurring after the termination of hostilities in the present war, as proclaimed by the President shall not be a basis of excluding payments made to States under section 3 of such title [Title 42, § 303], of refusing to approve a State plan under section 2 of such title [Title 42, § 302], or of withholding certification pursuant to section 4 of such title [Title 42, § 304].

(g) In order to facilitate the employment by agricultural employers in the United States of native-born residents of North America, South America, and Central America, and the islands adjacent thereto, desiring to perform agricultural labor in the United States, during continuation of hostilities in the present war, any such resident desiring to enter the United States for that purpose shall be exempt from the payment of head tax required by section 2 of the Immigration Act of February 5, 1917 [Title 8, § 132], and from other admission charges, and shall be exempt from those excluding provisions of section 3 of such Act [Title 8, § 136] which relate to contract laborers, the requirements of literacy, and the payment of passage by corporations, foreign government, or others; and any such resident shall be admitted to perform agricultural labor in the United States for such time and under such conditions (but not including the exaction of bond to insure ultimate departure from the United States) as may be required by regulations prescribed by the Commissioner of Immigration and Naturalization with the approval of the Attorney General; and in the event such regulations require documentary evidence of the country of birth of any such resident which he is unable to furnish, such requirement may be waived by the admitting officer of the United States at the point where such resident seeks entry into the United States if such official has other proof satisfactory to him that such resident is a native of the country claimed as his birthplace. Each such resident shall be provided with an identification card (with his photograph and fingerprints) to be prescribed under such regulations which shall be in lieu of all other documentary requirements, including the registration at time of entry or after entry required by the Alien Registration Act of 1940 [Title 8, §§ 137, 155, 156a, 451-460 and Title 18, §§ 9-13]. Any such resident admitted under the foregoing provisions who fails to maintain the status for which he was admitted or to depart from the United States in accordance with the terms of his admission shall be taken into custody under a warrant issued by the Attorney General at any time after entry and deported in accordance with section 20 of the Immigration Act of February 5, 1917 [Title 8, § 156]. Sections 5 and 6 of such Act [Title 8, §§ 139, 142] shall not apply to the importation of aliens under this title [sections 1351-1355 of this Appendix]. No provision of this title shall authorize the admission into the United States of any enemy alien.

(h) When authorized by the Administrator, workers under the program may be used in the packing, canning, freezing, dry-



ing, or other processing of perishable or seasonable agriculture products.

(i) This title [sections 1351-1355 of this Appendix], except as otherwise provided herein, shall take effect upon the date of its enactment into law [Feb. 14, 1944] and shall thereupon supersede the Act of April 29, 1943 (Public Law 45) [set out as a note under section 1351 of this Appendix], to the extent that such Act is inconsistent with this title [sections 1351-1355 of this Appendix].

(j) If the Administrator finds that there is inadequate farm labor in any area, the Administrator and the agricultural extension service of the land-grant colleges in the respective States are hereby authorized, for the purposes of this title [sections 1351-1355 of this Appendix], to negotiate directly with the War Department for the utilization of prisoners of war and the emergency use of soldiers of the United States for the production and harvesting of agricultural commodities within the several States upon such terms and conditions as may be mutually agreed upon, subject, in the case of prisoners of war, to the terms of any treaties or international agreements to which the United States of America is signatory and which are now in effect. For the purposes of this title [sections 1351-1355 of this Appendix], the War Department may utilize the Administrator and the extension services in the respective States to make such investigations and certifications with respect to the need for utilizing prisoners of war and the emergency use of soldiers of the United States and with respect to the terms and conditions of employment, as may be required by the War Department in order to assure that the terms of such treaties or international agreements are complied with.

(k) The Act of April 29, 1943 (Public Law 45), as amended [set out as a note under section 1351 of this Appendix], is hereby further amended by striking out "January 31, 1944" and inserting "the date of enactment into law of House Joint Resolution 208 of the Seventy-eighth Congress". All obligations incurred during the period between January 31, 1944, and the date of the enactment into law of this Act [sections 1351-1355 of this Appendix] in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms of such Public Law 45, as amended.

(l) This title [sections 1351-1355 of this Appendix] may be cited as the "Farm Labor Supply Appropriation Act, 1944". (Feb. 14, 1944, ch. 16, title I, § 5, 58 Stat. 14.)

#### WAR OVERTIME PAY ACT OF 1943

§ 1401. **Officers and employees within application of Act.**—This Act shall apply to all civilian officers and employees (including officers and employees whose wages are fixed on a monthly or yearly basis and adjusted from time to time in accordance with prevailing rates by wage boards, or similar administrative authority serving the same purpose, except those in or under the Government Printing Office or the Tennessee Valley Authority) in or under the United States Government, including Government-



owned or controlled corporations, and to those employees of the District of Columbia municipal government who occupy positions subject to the Classification Act of 1923, (Title 5, §§ 661-663, 664-673, 674), as amended, except that this Act shall not apply to (a) elected officials; (b) judges; (c) heads of departments, independent establishments, and agencies; (d) officers and employees in the field service of the Post Office Department; (e) employees whose wages are fixed on a daily or hourly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose; (f) employees outside the continental limits of the United States, including Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed; (g) officers and employees of the Inland Waterways Corporation; and (h) individuals to whom the provisions of section 1 (a) of the Act entitled "An Act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes", approved March 24, 1943 (Public Law Numbered 17, Seventy-eighth Congress) (section 1291 of this Appendix), are applicable. As used in this section the term "elected officials" shall not include officers elected by the Senate or House of Representatives, who are not members of either body. (May 7, 1943, ch. 93, § 1, 57 Stat. 75.)

§ 1402. **Computation of overtime compensation; time off in lieu of overtime compensation.**—Officers and employees to whom this Act applies and who are not entitled to additional compensation under section 3 (section 1403 of this Appendix) shall be paid overtime compensation computed on the same basis as the overtime compensation which was authorized to be paid under Public Law Numbered 821, Seventy-seventh Congress (Title 5, § 29, note): *Provided*, That such overtime compensation shall be paid only on the portion of an officer's or employee's basic rate of compensation not in excess of \$2,900 per annum: *Provided further*, That such overtime compensation shall be paid on such portion of an officer's or employee's basic rate of compensation notwithstanding the fact that such payment will cause his aggregate compensation to exceed a rate of \$5,000 per annum: *And provided further*, That in lieu of overtime compensation for work in excess of forty-eight hours in any administrative workweek, the heads of departments, establishments, and agencies may in their discretion grant per annum employees compensatory time off from duty. (May 7, 1943, ch. 93, § 2, 57 Stat. 76.)

#### WAIVER OF RESTRICTIONS IN APPROPRIATIONS LIMITING AMOUNTS PAYABLE FOR PERSONAL SERVICES

Act Apr. 1, 1944, ch. 152, title II, § 202, 58 Stat. 176, provided: "The restrictions contained in appropriations or affecting appropriations or other funds, available during the fiscal year 1944, limiting the amounts which may be expended for personal services or for other purposes, are hereby waived to the extent necessary to meet the cost of overtime and additional compensation authorized by the Act of April 1, 1943 (Public Law 22) [set out as a note under section 63 of Title 3], the Act of May 7, 1943 (Public Law 49) [sections 1401-1415 of this Appendix], and by other legislation enacted during or applicable to the fiscal year 1944 authorizing overtime and additional compensation for civilian employees of the Government: *Provided*,



That the head of any department, establishment, or agency is hereby authorized to allocate from the sum herein appropriated under any appropriation title administered by him to any subappropriation under such title such amount as may be necessary for the purposes of the section."

#### BASIC RATE FOR OVERTIME COMPUTATION

Act Apr. 1, 1944, ch. 152, title II, § 203, 58 Stat. 176, provided: "No part of any appropriation contained in this or any other Act shall be used to pay to regular, full-time civilian officers and employees, subject to the Classification Act of 1923, as amended [sections 661-663, 664-673, and 674 of Title 5], whose basic compensation is determined on a daily or hourly basis, overtime compensation, pursuant to the joint resolution of December 22, 1942 (56 Stat. 1068) [set out as notes under sections 26a and 29 of Title 5], and the Act of May 7, 1943 (Public, Numbered 49, Seventy-eighth Congress) [sections 1401-1415 of this Appendix], on any basis other than at the rate of one and one-half times the basic rate of payment for work actually performed by such officers and employees in excess of forty hours per week, without proration or the use of any formula which has been adopted to determine the daily compensation of per annum officers and employees; it being declared to be and to have been the true intent and meaning of the aforesaid enactments to provide for the payment of the overtime compensation of such employees only upon the basis herein described: *Provided*, That any overtime compensation in excess of the compensation so authorized under the above joint resolution and Act which has been paid in reliance upon, and in accordance with, any decision or decisions of the Comptroller General is hereby approved and the Comptroller General shall allow credit therefor in the accounts of the officers accountable therefor, and shall make no charges against any certifying officer because of certification of such excess overtime compensation: *Provided further*, That no claim shall be considered by the General Accounting Office on account of any payment prohibited by this section."

**§ 1403. Same; legislative and judicial employees; employees for whom overtime schedules are not feasible; additional compensation in lieu of overtime rate; limitation of additional compensation.**—(a) Except as provided in subsection (c), officers and employees to whom this Act applies and whose hours of duty are intermittent or irregular, officers and employees in or under the legislative and judicial branches (except those in the Library of Congress, or the Botanic Garden, and per annum employees in or under the Office of the Architect of the Capitol who are regularly required to work not less than forty-eight hours per week) to whom this Act applies, and, subject to the approval of the Civil Service Commission, officers and employees whose hours of work are governed by those of private establishments which they serve and for whom on this account overtime work schedules are not feasible, shall be paid, in lieu of the overtime compensation authorized under section 2 of this Act (section 1402 of this Appendix), additional compensation at the rate of (1) \$300 per annum if their earned basic compensation is at a rate of less than \$2,000 per annum, or (2) 15 per centum of so much of their earned basic compensation as is not in excess of a rate of \$2,900 per annum if their earned basic compensation is at a rate of \$2,000 per annum or more.

(b) Any officer or employee to whom this Act (sections 1401-1415 of this Appendix) applies and who is entitled to no additional compensation under subsection (a) or subsection (c) for a pay period shall be paid for such pay period, in lieu of overtime compensation under section 2 (section 1402 of this Appendix), additional compensation at the rate of (1) \$300 per annum if



his earned basic compensation is less than \$2,000 per annum, or (2) 15 per centum of so much of his earned basic compensation as is not in excess of \$2,900 per annum if his earned basic compensation is at the rate of \$2,000 per annum or more, unless his overtime compensation under section 2 (section 1402 of this Appendix) for such pay period is at least equal to such additional compensation.

(c) Any officer or employee to whom this Act applies and whose hours of duty are less than full time, or whose compensation is based upon other than a time period basis shall be paid, in lieu of overtime compensation or additional compensation under the foregoing provisions of this Act, additional compensation at a rate of 15 per centum of so much of their earned basic compensation as is not in excess of a rate of \$2,900 per annum.

(d) In no case shall any officer or employee be paid additional compensation under this section for any pay period amounting to more than 25 per centum of his earned basic compensation for such pay period. (May 7, 1943, ch. 93, § 3, 57 Stat. 76, as amended Sept. 30, 1944, ch. 450, 58 Stat. 758.)

§ 1406. **Suspension of Saturday half-holiday law.**—The provisions of the Saturday half-holiday law of March 3, 1931 (46 Stat. 1482; U. S. C., Title 5, sec. 26 (a)), are hereby suspended for the period during which this Act is in effect. (May 7, 1943, ch. 93, § 6, 57 Stat. 77.)

§ 1407. **Construction with other laws authorizing overtime compensation.**—The provisions of this Act shall not operate to prevent payment for overtime services in accordance with any of the following statutes: Act of February 13, 1911, as amended (U. S. C., Title 19, secs. 261 and 267); Act of July 24, 1919 (41 Stat. 241; U. S. C., Title 7, sec. 394); Act of June 17, 1930, as amended (U. S. C., Title 19, secs. 1450, 1451, and 1452); Act of March 2, 1931 (46 Stat. 1467; U. S. C., Title 8, secs. 109a and 109b); Act of May 27, 1936, as amended (52 Stat. 345; U. S. C., Title 46, sec. 382b); Act of March 23, 1941 (Public Law Numbered 20, Seventy-seventh Congress): *Provided*, That the overtime services covered by such payment shall not also form a basis for overtime compensation under this Act. (May 7, 1943, ch. 93, § 7, 57 Stat. 77.)

§ 1408. **Adjustment of gross inequities in pay differentials.**—Whenever the Civil Service Commission shall find that within the same Government organization and at the same location gross inequities exist, to such extent as to interfere with the prosecution of the war, between basic per annum rates of pay fixed for any class of positions under the Classification Act of 1923, as amended (Title 5, §§ 661-663, 664-673, 674), and the compensation of employees whose basic rates of pay are fixed by wage boards or similar administrative authority serving the same purpose, the Commission is hereby empowered, in order to correct or reduce such inequities, to establish as the minimum rate of pay for such class of positions any rate within the range of pay fixed by the Classification Act of 1923, as amended (Title 5, §§ 661-663, 664-673, 674), for the grade to which such class of positions is allocated under such Act. (May 7, 1943, ch. 93, § 8, 57 Stat. 77.)



**§ 1409. Administrative rules and regulations.**—The Civil Service Commission is authorized and directed to promulgate such rules and regulations as may be necessary and proper for the purpose of coordinating and supervising the administration of the provisions of the foregoing sections of this Act insofar as such provisions affect employees in or under the executive branch of the Government. (May 7, 1943, ch. 93, § 9, 57 Stat. 77.)

#### REGULATIONS

Regulations implementing this act were published in 8 F. R. 6149, as Tit. 5, ch. 1, pt. 20, of CFR.

**§ 1411. Report on number of employees required in executive branch departments; determinations by Budget Director; transfer of released employees.**—The heads of departments and agencies in the executive branch, whose employees are affected by the provisions of this Act, shall present to the Director of the Bureau of the Budget and to the Congress such information as the Director shall from time to time, but not less frequently than the first day of each quarter, require for the purpose of determining the number of employees required for the proper and efficient exercise of the functions of their respective departments and agencies. The Director shall, from time to time, but not less frequently than the thirtieth day after the beginning of each quarter determine the number of employees so required, and any personnel of any such department or agency in excess thereof shall be released at such times as the Director shall order. Such determination shall be reported to the Congress each quarter. Sections 2 and 3 of this Act (sections 1402 and 1403 of this Appendix) shall cease to be applicable to the employees of such department or agency unless the head thereof shall certify within thirty days from the effective date so prescribed by the Director that the number of employees of his agency does not exceed the number determined by the Director to be required for the proper and efficient exercise of its functions. Any determinations and directions made by the Director under the authority of Public Law 821, Seventy-seventh Congress (Title 5, §§ 26a, 29, notes), are hereby continued in effect until modified by him. The Civil Service Commission is authorized to transfer to other departments and agencies any employees released pursuant to this section whose services are needed in and can be effectively utilized by such other departments or agencies, and the services of these employees are to be utilized by the departments and agencies before additional employees are recruited. (May 7, 1943, ch. 93, § 11, 57 Stat. 78.)

**§ 1412. Overtime or additional compensation as part of annual income under other laws.**—Amounts received as overtime compensation or additional compensation under this Act shall not be considered in determining the amount of a person's annual income or annual rate of compensation for the purposes of paragraph II (a) of part III of Veterans Regulation Numbered 1 (a), as amended (Title 38, following § 726, or section 212 of title II of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932, as amended. (May 7, 1943, ch. 93, § 12, 57 Stat. 78.)



**§ 1414. Effective date and termination of Act.**—This Act shall take effect on May 1, 1943, and shall terminate on June 30, 1945, or such earlier date as the Congress by concurrent resolution may prescribe. (May 7, 1943, ch. 93, § 14, 57 Stat. 78.)

**§ 1415. Short title.**—This Act may be cited as the “War Over-time Pay Act of 1943”. (May 7, 1943, ch. 93, § 15, 57 Stat. 78.)

#### CIVILIAN REEMPLOYMENT OF MEMBERS OF MERCHANT MARINE

**§ 1472. Restoration to civilian employment; persons entitled; terms and conditions.**—(a) In the case of any such person who, in order to perform service in the merchant marine, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within forty days after completion of such service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

\* \* \* \* \*

(b) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (a) shall be considered as having been on furlough or leave of absence during his period of service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person entered such service, and shall not be discharged from such position without reasonable cause within one year after such restoration. (June 23, 1943, ch. 142, § 2, 57 Stat. 162.)

**§ 1474. Additional compensation to certain civilian employees during period of merchant marine service.**—Employees of the United States Government, its Territories or possessions, or the District of Columbia (including employers of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), who, subsequent to May 1, 1940, shall have entered upon service in the merchant marine, shall be entitled to receive, in addition to any pay for such service, compensation in their civilian positions covering their accumulated or current accrued leave, or to elect to have such leave remain to their credit until their return from such service. (June 23, 1943, ch. 142, § 4, 57 Stat. 163.)

#### WAR LABOR DISPUTES ACT

**§ 1503. Power of President to take possession of plants; amendment of section 309 of this Appendix.**—Section 9 of the Se-



lective Training and Service Act of 1940 (section 309 of this Appendix) is hereby amended by adding at the end thereof the following new paragraph:

"The power of the President under the foregoing provisions of this section to take immediate possession of any plant upon a failure to comply with any such provisions, and the authority granted by this section for the use and operation by the United States or in its interests of any plant of which possession is so taken, shall also apply as hereinafter provided to any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required for the war effort or which may be useful in connection therewith. Such power and authority may be exercised by the President through such department or agency of the Government as he may designate, and may be exercised with respect to any such plant, mine, or facility whenever the President finds, after investigation, and proclaims that there is an interruption of the operation of such plant, mine, or facility as a result of a strike or other labor disturbance, that the war effort will be unduly impeded or delayed by such interruption, and that the exercise of such power and authority is necessary to insure the operation of such plant, mine, or facility in the interest of the war effort: *Provided*, That whenever any such plant, mine, or facility has been or is hereafter so taken by reason of a strike, lock-out, threatened strike, threatened lock-out, work stoppage, or other cause, such plant, mine, or facility shall be returned to the owners thereof as soon as practicable, but in no event more than sixty days after the restoration of the productive efficiency thereof prevailing prior to the taking of possession thereof: *Provided further*, That possession of any plant, mine, or facility shall not be taken under authority of this section after the termination of hostilities in the present war, as proclaimed by the President, or after the termination of the War Labor Disputes Act (sections 1501-1511 of this Appendix); and the authority to operate any such plant, mine, or facility under the provisions of this section shall terminate at the end of six months after the termination of such hostilities as so proclaimed." (June 25, 1943, ch. 144, § 3, 57 Stat. 164.)

**§ 1504. Terms of employment at government-operated plants.**—Except as provided in section 5 hereof, (section 1505 of this Appendix), in any case in which possession of any plant, mine, or facility has been or shall be hereafter taken under the authority granted by section 9 of the Selective Training and Service Act of 1940, as amended (section 309 of this Appendix), such plant, mine, or facility, while so possessed, shall be operated under the terms and conditions of employment which were in effect at the time possession of such plant, mine, or facility was so taken. (June 25, 1943, ch. 144, § 4, 57 Stat. 165.)

**§ 1505. Application to War Labor Board for change in terms of employment at government-operated plants.**—When possession of any plant, mine, or facility has been or shall be hereafter taken under authority of section 9 of the Selective Training and Service Act of 1940, as amended (section 309 of this Appendix), the Government agency operating such plant, mine, or facility, or a ma-



jority of the employees of such plant, mine, or facility or their representatives, may apply to the National War Labor Board for a change in wages or other terms or conditions or employment in such plant, mine, or facility. Upon receipt of any such application, and after such hearings and investigations as it deems necessary, such Board may order any changes in such wages, or other terms and conditions, which it deems to be fair and reasonable and not in conflict with any Act of Congress or any Executive order issued thereunder. Any such order of the Board shall, upon approval by the President, be complied with by the Government agency operating such plant, mine, or facility. (June 25, 1943, ch. 144, § 5, 57 Stat. 165.)

**§ 1506. Interference with government operation of plants.—**

(a) Whenever any plant, mine, or facility is in the possession of the United States, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person, to interfere, by lock-out, strike, slow-down, or other interruption, with the operation of such plant, mine, or facility, or (2) to aid any such lock-out, strike, slow-down, or other interruption interfering with the operation of such plant, mine, or facility by giving direction or guidance in the conduct of such interruption, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment, or other benefits to those participating therein. No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

(b) Any person who willfully violates any provision of this section shall be subject to a fine of not more than \$5,000, or to imprisonment for not more than one year, or both. (June 25, 1943, ch. 144, § 6, 57 Stat. 165.)

**SURPLUS PROPERTY ACT OF 1944**

**§ 1611. Declaration of general objectives.—**The Congress hereby declares that the objectives of this Act [sections 1611-1646 of this Appendix] are to facilitate and regulate the orderly disposal of surplus property so as—

(a) to assure the most effective use of such property for war purposes and the common defense;

(b) to give maximum aid in the reestablishment of a peacetime economy of free independent private enterprise, the development of the maximum of independent operators in trade, industry, and agriculture, and to stimulate full employment;

(c) to facilitate the transition of enterprises from wartime to peacetime production and of individuals from wartime to peacetime employment;

(d) to discourage monopolistic practices and to strengthen and preserve the competitive position of small business concerns in an economy of free enterprise;

(e) to foster and to render more secure family-type farming as the traditional and desirable pattern of American agriculture;

(f) to afford returning veterans an opportunity to establish



themselves as proprietors of agricultural, business, and professional enterprises;

(g) to encourage and foster post-war employment opportunities;

(h) to assure the sale of surplus property in such quantities and on such terms as will discourage disposal to speculators or for speculative purposes;

(i) to establish and develop foreign markets and promote mutually advantageous economic relations between the United States and other countries by the orderly disposition of surplus property in other countries;

(j) to avoid dislocations of the domestic economy and of international economic relations;

(k) to foster the wide distribution of surplus commodities to consumers at fair prices;

(l) to effect broad and equitable distribution of surplus property;

(m) to achieve the prompt and full utilization of surplus property at fair prices to the consumer through disposal at home and abroad with due regard for the protection of free markets and competitive prices from dislocation resulting from uncontrolled dumping;

(n) to utilize normal channels of trade and commerce to the extent consistent with efficient and economic distribution and the promotion of the general objectives of this Act [such sections] (without discriminating against the establishment of new enterprises);

(o) to promote production, employment of labor, and utilization of the productive capacity and the natural and agricultural resources of the country;

(p) to foster the development of new independent enterprise;

(q) to prevent insofar as possible unusual and excessive profits being made out of surplus property;

(r) to dispose of surplus property as promptly as feasible without fostering monopoly or restraint of trade, or unduly disturbing the economy, or encouraging hoarding of such property, and to facilitate prompt redistribution of such property to consumers;

(s) to dispose of surplus Government-owned transportation facilities and equipment in such manner as to promote an adequate and economical national transportation system; and

(t) except as otherwise provided, to obtain for the Government, as nearly as possible, the fair value of surplus property upon its disposition. (Oct. 3, 1944, ch. 479, § 2, 58 Stat. 766.)

#### SHORT TITLE

Section 1 of act Oct. 3, 1944, cited to text, provided: "That this Act [sections 1611-1646 of this Appendix] may be cited as the 'Surplus Property Act of 1944'."

#### EXPIRATION DATE

Section 38 of act Oct. 3, 1944, cited to text, provided: "Unless extended by law, this Act [sections 1611-1646 of this Appendix], shall expire at the end of three years following the date of the cessation of hostilities in the present war. For the purposes of this section the term 'date of the cessation of hostilities in the present war' means the date proclaimed by the President as the date of such cessation, or the date specified in a concurrent resolution



of the two Houses of Congress as the date of such cessation, whichever is the earlier."

#### SEPARABILITY PROVISIONS

Section 39 of act Oct. 3, 1944, cited to text, provided: "If any provision of this Act [sections 1611-1646 of this Appendix], or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act [such sections] or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

#### CROSS REFERENCES

Contract Settlement Act of 1944, see sections 101-125 of Title 41, Public Contracts.

Reconversion Act, see section 1191 of this Appendix.

Repricing of war contracts, see section 1192 of this Appendix.

War Mobilization and Reconversion Act of 1944, see sections 1651-1678 of this Appendix.

**§ 1612. Definitions.**—As used in this Act [sections 1611-1646 of this Appendix]—

(a) The term "Government agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(b) The term "owning agency", in the case of any property, means the executive department, the independent agency in the executive branch of the Federal Government, or the corporation (if a Government agency), having control of such property otherwise than solely as a disposal agency.

(c) The term "disposal agency" means any Government agency designated under section 10 [section 1619 of this Appendix] to dispose of one or more classes of surplus property.

(d) The term "property" means any interest, owned by the United States or any Government agency, in real or personal property, of any kind, wherever located, but does not include (1) the public domain, or such lands withdrawn or reserved from the public domain as the Surplus Property Board (created by section 5 [section 1614 of this Appendix]) determines are suitable for return to the public domain for disposition under the general land laws, or (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines.

(e) The term "surplus property" means any property which has been determined to be surplus to the needs and responsibilities of the owning agency in accordance with section 11 [section 1620 of this Appendix].

(f) The term "contractor inventory" means (1) any property related to a terminated contract of any type with a Government agency or to a subcontract thereunder and (2) any property acquired under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete performance thereunder and (3) any property which the Government is obligated to take over under any type of contract as a result of any change in the specifications or plans thereunder.



(g) The term "care and handling" includes completing, repairing, converting, rehabilitating, operating, maintaining, preserving, protecting, insuring, storing, packing, handling, and transporting, and, in the case of property which is dangerous to public health or safety destroying, or rendering innocuous, such property.

(h) The term "person" means any individual, corporation, partnership, firm, association, trust, estate, or other entity.

(i) The term "State" includes the several States, Territories, and possessions of the United States, and the District of Columbia.

(j) The term "tax-supported institution" means any scientific, literary, educational, public-health, or public-welfare institution which is supported in whole or in part through the use of funds derived from taxation by the United States, or by any State or political subdivision thereof.

(k) The term "veteran" means any person in the active military or naval service of the United States during the present war, or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions. (Oct. 3, 1944, ch. 479, § 3, 58 Stat. 767.)

**§ 1613. General rule regarding disposition of surplus property.** Surplus property shall be disposed of to such extent, at such times, in such areas, by such agencies, at such prices, upon such terms and conditions, and in such manner, as may be prescribed in or pursuant to this Act [sections 1611-1646 of this Appendix]. (Oct. 3, 1944, ch. 479, § 58 Stat. 768.)

**§ 1614. Surplus Property Board; composition; appointment; compensation, and term of office; employment of personnel.—**(a) There is hereby established in the Office of War Mobilization, and in its successor, a Surplus Property Board (hereinafter called the "Board"), which shall be composed of three members, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$12,000 per annum. The term of office of the members shall be two years, except that the term of office of the members first appointed shall expire two years from the date of the enactment of this [October 3, 1944], and the next succeeding terms shall then begin, and any person appointed to fill a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term of such member shall be appointed only for such unexpired term. The President shall designate one of the members of the Board as Chairman.

(b) The Board may, within the limits of funds which may be made available, appoint and fix the compensation of such officers and employees, and may make such expenditures for supplies, facilities, and services, as may be necessary to carry out its functions. Without regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended [sections 661-663, 664-673 and 674 of Title 5], the Board may appoint such special assistants, and may employ such certified public accountants,



qualified cost accountants, industrial engineers, appraisers, and other experts, and fix their compensation, and may contract with such certified public accounting firms and qualified firms of engineers, as may be necessary to carry out its functions. (Oct. 3, 1944, ch. 479, § 5, 58 Stat. 768.)

#### TRANSFER OF FUNCTIONS

Transfer of records, office equipment, unexpended funds and personnel from the Surplus War Property Administrator to the Surplus Property Board, see Ex. Ord. No. 9488, Oct. 3, 1944, 9 F. R. 12145, set out as a note under sections 1651 and 1677 (b) of this Appendix.

**§ 1615. Duties and authority of Board.**—The activities of the Board shall be coordinated with the programs of the armed forces of the United States in the interests of the war effort. Until peace is concluded the needs of the armed forces are hereby declared and shall remain paramount. The Board shall have general supervision and direction, as provided in this Act [sections 1611-1646 of this Appendix], over (1) the care and handling and disposition of surplus property, and (2) the transfer of surplus property between Government agencies. (Oct. 3, 1944, ch. 479, § 6, 58 Stat. 768.)

**§ 1616. Board's cooperation with Government agencies.**—The Board shall advise and consult with other interested Government agencies with a view to obtaining all aid and assistance possible in coordinating the functions of the several agencies affected by the disposition of surplus property. (Oct. 3, 1944, ch. 479, § 7, 58 Stat. 768.)

**§ 1617. Delegation of authority by Government agencies.**—The head of any Government agency, except the Board, may delegate, and authorize successive re-delegations, of any authority conferred upon him or his agency by or pursuant to this Act [sections 1611-1646 of this Appendix], to any officer, agent, or employee of such agency or, with the approval of the Board, to any other Government agency. (Oct. 3, 1944, ch. 479, § 8, 58 Stat. 768.)

**§ 1618. Issuance of regulations by Board; scope; regulations by Government agencies; publication.**—(a) The Board shall prescribe regulations to effectuate the provisions of this Act [sections 1611-1646 of this Appendix]. In formulating such regulations, the Board shall be guided by the objectives of this Act [such sections].

(b) Regulations issued pursuant to subsection (a) may, except as otherwise provided in this Act [such sections], contain provisions prescribing the extent to which, the times at which, the areas in which, the agencies by which, the prices at which, and the terms and conditions under which, surplus property may be disposed of, and the extent to which and the conditions under which surplus property shall be subject to care and handling.

(c) Each Government agency shall carry out regulations of the Board expeditiously and shall issue such further regulations, not inconsistent with the regulations of the Board, as it deems necessary or desirable to carry out the provisions of this Act [such sections].



(d) Regulations prescribed under this Act [such sections] shall be published in the Federal Register. (Oct. 3, 1944, ch. 479, § 9, 58 Stat. 769.)

**§ 1619. Designation of disposal agencies.**—(a) Except as provided in subsection (b) of this section, the Board shall designate one or more Government agencies to act as disposal agencies under this Act [such sections]. In exercising its authority to designate disposal agencies, the Board shall assign surplus property for disposal by the fewest number of Government agencies practicable and so far as it deems feasible, shall centralize in one disposal agency responsibility for the disposal of all property of the same type or class.

(b) The United States Maritime Commission shall be the sole disposal agency for surplus vessels which the Commission determines to be merchant vessels or capable of conversion to merchant use, and such vessels shall be disposed of only in accordance with the provisions of the Merchant Marine Act, 1936, as amended [sections 1101-1111, 1112-1155, 1156-1242 and 1243-1279 of Title 46], and other laws authorizing the sale of such vessels. (Oct. 3, 1944, ch. 479, § 10, 58 Stat. 769.)

**§ 1620. Declaration and disposition of surplus property—(a) Survey by owning agency of property.**—Each owning agency shall have the duty and responsibility continuously to survey the property in its control and to determine which of such property is surplus to its needs and responsibilities.

(b) **Reports by owning agency.**—Each owning agency shall promptly report to the Board and the appropriate disposal agency all surplus property in its control which the owning agency does not dispose of under section 14 [section 1623 of this Appendix].

(c) **Report to Congress by Board on failure of owning agency to report surplus.**—Whenever in the course of the performance of its duties under this Act [sections 1611-1646 of this Appendix], the Board has reason to believe that any owning agency has property in its control which is surplus to its needs and responsibilities and which it has not reported as such, the Board shall promptly report that fact to the Senate and House of Representatives. Each owning agency and each disposal agency shall submit to the Board (1) such information and reports with respect to surplus property in the control of the agency, in such form, and at such reasonable times, as the Board may direct; (2) such information and reports with respect to other property in the control of the agency, to such extent, and in such form, as the Board may direct and as the agency deems consistent with national security.

(d) **Disposition by disposal agency; delayed dispositions.**—When any surplus property is reported to any disposal agency under subsection (b) of this section, the disposal agency shall have responsibility and authority for the disposition of such property, and for the care and handling of such property pending its disposition, in accordance with regulations prescribed by the Board. Where the disposal agency is not prepared at the time of its designation under this Act [such sections] to undertake the



care and handling of such surplus property the Board may postpone the responsibility of the agency to assume its duty for care and handling for such period as the Board deems necessary to permit the preparation of the agency therefor.

(e) **Uniform public notice.**—The Board shall prescribe regulations necessary to provide, so far as practicable, for uniform and wide public notice concerning surplus property available for sale, and for uniform and adequate time intervals between notice and sale so that all interested purchasers may have a fair opportunity to buy.

(f) **Property processed, produced, or donated by the American Red Cross.**—No surplus property, which was processed, produced, or donated by the American Red Cross for any Government agency shall be disposed of except after notice to and consultation with the American Red Cross. All or any portion of such property may be donated to the American Red Cross, upon its request, solely for charitable purposes.

(g) **Inventory records; availability for inspection.**—Each disposal agency shall maintain in each of its disposal offices such records of its inventories of surplus property and of each disposal transaction negotiated by that office as the Board may prescribe. The information in such records shall be available at all reasonable times for public inspection. (Oct. 3, 1944, ch. 479, § 11, 58 Stat. 769.)

**§ 1621. Utilization of surplus property by federal agencies.**—

(a) It shall be the duty of the Board to facilitate the transfer of surplus property from one Government agency to other Government agencies for their use; and the transfer of surplus property under this section shall be given priority over all other disposals provided for in this Act [sections 1611-1646 of this Appendix].

(b) It shall be the responsibility of all Government agencies, in order to avoid making purchases through commercial channels, continuously to consult the records of surplus property established by the Board and to determine whether their requirements can be satisfied out of such surplus property. It shall also be the responsibility of the head of each Government agency to submit to the Board such estimates of the needs of the agency and such reports in relation thereto as the Board may deem necessary to promote the fullest utilization of surplus property. It shall be the responsibility of the Board to determine whether Government agencies are acquiring surplus property to the fullest possible extent, and to notify agencies whenever, in its judgment, they are not so doing.

(c) The disposal agency responsible for any such property shall transfer it to the Government agency acquiring it at the fair value of the property as fixed by the disposal agency, under regulations prescribed by the Board, unless transfer without reimbursement or transfer of funds is otherwise authorized by law. (Oct. 3, 1944, ch. 479, § 12, 58 Stat. 770.)

**§ 1622. Disposal to local governments and nonprofit institutions.**—(a) **Exemption from taxation; fulfillment of legitimate needs.**—The Board shall prescribe regulations for the disposition



of surplus property to States and their political subdivisions and instrumentalities, and to tax-supported and nonprofit institutions, and shall determine on the basis of need what transfers shall be made. In formulating such regulations the Board shall be guided by the objectives of this Act [sections 1611-1646 of this Appendix] and shall give effect to the following policies to the extent feasible and in the public interest:

(1) (A) Surplus property that is appropriate for school, classroom, or other educational use may be sold or leased to the States and their political subdivisions and instrumentalities, and tax-supported educational institution, and to other nonprofit educational institutions which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code [section 101 (6) of Title 26].

(B) Surplus medical supplies, equipment, and property suitable for use in the protection of public health, including research, may be sold or leased to the States and their political subdivisions and instrumentalities, and to tax-supported medical institutions, and to hospitals or other similar institutions not operated for profit which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code [section 101 (6) of Title 26].

(C) In fixing the sale or lease value of property to be disposed of under subparagraph (A) and subparagraph (B) of this paragraph, the Board shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or institution.

(2) Surplus property shall be disposed of so as to afford public and governmental institutions, non-profit or tax-supported educational institutions, charitable and eleemosynary institutions, non-profit or tax-supported hospitals and similar institutions, States, their political subdivisions and instrumentalities, and volunteer fire companies, an opportunity to fulfill, in the public interest, their legitimate needs.

(b) **Donation of property.**—Under regulations prescribed by the Board, whenever the Government agency authorized to dispose of any property finds that it has no commercial value or that the cost of its care and handling and disposition would exceed the estimated proceeds, the agency may donate such property to any agency or institution supported by the Federal Government or any State or local government, or to any nonprofit educational or charitable organization, or, if that is not feasible, shall destroy or otherwise dispose of such property, but, except in the case of property the immediate destruction of which is necessary or desirable either because of the nature of the property or because of the expense or difficulty of its care and handling, no property shall be destroyed until thirty days after public notice of the proposed destruction thereof has been given (and a copy of such notice given to the Board at the beginning of such thirty-day period) and an attempt has been made within such thirty days to dispose of such property otherwise than by destruction.

(c) **Airports, harbors, and port terminals.**—No airport and no harbor or port terminal, including necessary operating equip-



ment, shall be otherwise disposed of until it has first been offered, under regulations to be prescribed by the Board, for sale or release to the State, political subdivision thereof, and any municipality, in which it is situated, and to all municipalities in the vicinity thereof.

**(d) Power transmission lines.**—Whenever any State or political subdivision thereof, or any State or Government agency or instrumentality certifies to the Board that any power transmission line determined to be surplus property under the provisions of this Act [sections 1611-1646 of this Appendix] is needful for or adaptable to the requirements of any public or cooperative power project, such line and the right-of-way acquired for its construction shall not be sold, leased for more than one year, or otherwise disposed of, except as provided in section 12 [section 1621 of this Appendix] or this section, unless specifically authorized by Act of Congress.

**(e) Repurchase of original rights-of-way.**—In disposing of any surplus real property, as defined in section 23, on or across which highways or streets had been established and constructed and were being maintained by the States or their political subdivisions or instrumentalities at the time such surplus real property was acquired by the Government, and where such highways or streets were vacated, destroyed, or shut off from general public use in order to meet the requirements and serve the purposes of the Government, the States or their political subdivisions or instrumentalities first shall be given a reasonable time, to be fixed by the Board, in which to repurchase the original rights-of-way on which highways or streets were established and in which to purchase such new or additional rights-of-way as may be required for reestablishing, in whole or in part, such highways or streets of greater width or on new and more adequate locations, at a price not exceeding that paid therefor by the Government.

**(f) Priority of disposal.**—The disposal of surplus property under this section to States and political subdivisions and instrumentalities thereof shall be given priority over all other disposals of property provided for in this Act except transfers under section 12 [section 1621 of this Appendix]. (Oct. 3, 1944, ch. 479, § 13, 58 Stat. 770.)

**§ 1623. Disposition by owning agency; limitations.**—(a) Subject only to the regulations of the Board with respect to price policies, any owning agency may dispose of any property for the purpose of war production or authorize any contractor with such agency or subcontractor thereunder to retain or dispose of any contractor inventories for the purpose of war production. The Board may empower any owning agency, subject to the regulations of the Board, to authorize any contractor with such agency or subcontractor thereunder to retain or dispose of any contractor inventories for any other purpose which in the opinion of the Board is not contrary to the objectives of this Act [sections 1611-1646 of this Appendix]. Where any owning agency takes possession of any contractor inventory from any contractor



with the agency or subcontractor thereunder, such property shall be disposed of only in accordance with the provisions of this Act [such sections].

(b) Subject only to subsection (c) of this section, any owning agency may dispose of—

(1) any property which is damaged or worn beyond economical repair;

(2) any waste, salvage, scrap, or other similar items;

(3) any product of industrial, research, agricultural, or livestock operations, or of any public works construction or maintenance project, carried on by such agency;

which does not consist of strategic mineral and metals, as defined in section 22 [section 1631 of this Appendix].

(c) Whenever the Board deems such action necessary to effectuate the objectives and policies of this Act [such sections], the Board, by regulations, shall restrict the authority of any owning agency to dispose of any class of surplus property under subsection (b) of this section. (Oct. 3, 1944, ch. 479, § 14, 58 Stat. 772.)

**§ 1624. Methods of disposition; execution of documents.**—(a) Notwithstanding the provisions of any other law but subject to the provisions of this Act [section 1611-1646 of this Appendix], whenever any Government agency is authorized to dispose of property under this Act [such sections], then the agency may dispose of such property by sale, exchange, lease, or transfer, for cash, credit, or other property with or without warranty, and upon such other terms and conditions, as the agency deems proper: *Provided, however,* That in the case of raw materials, consumer goods, and small tools, hardware, and nonassembled articles which may be used in the manufacture of more than one type of product, no extension of credit under this Act [such sections] shall be for a longer period than three years.

(b) Any owning agency or disposal agency may execute such documents for the transfer of title or other interest in property or take such other action as it deems necessary or proper to transfer or dispose of property or otherwise to carry out the provisions of this Act [such sections], and, in the case of surplus property, shall do so to the extent required by the regulations of the Board. (Oct. 3, 1944, ch. 479, § 15, 58 Stat. 772.)

**§ 1625. Disposition to veterans.**—The Board shall prescribe regulations to effectuate the objectives of this Act [sections 1611-1646 of this Appendix] to aid veterans to establish and maintain their own small business, professional, or agricultural enterprises, by affording veterans suitable preferences to the extent feasible and consistent with the policies of this Act [such sections] in the acquisition of the types of surplus property useful in such enterprises. (Oct. 3, 1944, ch. 479, § 16, 58 Stat. 773.)

**§ 1626. Disposition in rural areas.**—The Board shall devise ways and means and prescribe regulations in cooperation with the War Food Administrator providing for the sale of surplus property in such quantities in rural localities and in such manner as



will assure farmers and farmers' cooperative associations equal opportunity with others to purchase surplus property: *Provided, however,* That in cases where a shortage of trucks, machinery, and equipment impairs farm production, a program shall be developed by the Board in cooperation with the Agricultural Adjustment Agency whereby a reasonable portion of the surplus supply will be made available for sale in rural areas to farmers and farmers' cooperative associations. (Oct. 3, 1944, ch. 479, § 17, 58 Stat. 773.)

**§ 1627. Disposition to small business.—(a) Prevention of discrimination.**—It shall be the duty of the Board to devise ways and means and prescribe regulations to prevent any discrimination against small business in the disposal and distribution and use of any surplus property.

**(b) Preference to purchasers of small amounts.**—The Board shall by regulations determine, or provide for the determination, as to all surplus property in the hands of each disposal agency, the size of lots in which, and the areas in which, the various classes of such property should be offered consistently with the usual and customary commercial practice with respect to such class. The available supply of each class in each area shall be so disposed of as to give to prospective purchasers, within such area, of any particular amount (not smaller than the smallest lot consistent with such commercial practice) preference (by affording them reasonable opportunity to acquire the desired amount) over prospective purchasers of larger amounts.

**(c) Cooperation between Smaller War Plants Corporation and Board.**—The Smaller War Plants Corporation is hereby specifically charged with the responsibility of cooperating with the Board and with the owning and disposal agencies, of making surveys from time to time, and bringing to the attention of the agencies and the Board the needs and requirements of small business and any cases or situations which have resulted in or would effect discrimination against small business in the purchase or acquisition of surplus property by them and in the disposal thereof by the agencies.

**(d) Consultation with small business on needs.**—The Smaller War Plants Corporation is hereby authorized and directed to consult with small business to obtain full information concerning the needs of small business for surplus property.

**(e) Purchase of property by Smaller War Plants Corporation.**—The Smaller War Plants Corporation shall have the power to purchase any surplus property for resale, subject to regulations of the Board, to small business (and is empowered to receive other property in exchange as partial or full payment therefor), when in its judgment, such disposition is required to preserve and strengthen the competitive position of small business, or will assist the Corporation in the discharge of the duties and responsibilities imposed upon it. The provisions of subsections (a) and (c) of section 12 [section 1621 of this Appendix] shall be applicable to purchases made by the Smaller War Plants Corporation under this subsection.

**(f) Guarantee of loans by Smaller War Plants Corporation.**—The Smaller War Plants Corporation is hereby authorized, for the



purpose of carrying out the objectives of this section, to make or guarantee loans to small business enterprises in connection with the acquisition, conversion, and operation of plants and facilities which have been determined to be surplus property, and, in cooperation with the disposal agencies, to arrange for sales of surplus property to small business concerns on credit or time bases. (Oct. 3, 1944, ch. 479, § 18, 58 Stat. 773.)

**§ 1628. Disposal of plants—(a) Report to Congress; contents.**—The Board, in cooperation with the various disposal agencies, shall prepare and submit to the Congress within three months after enactment of this Act [Oct. 3, 1944], a report as to each of the following classes of surplus property (not including any plant which cost the Government less than \$5,000,000): (1) aluminum plants and facilities; (2) magnesium plants and facilities; (3) synthetic rubber plants and facilities; (4) chemical plants and facilities; (5) aviation gasoline plants and facilities; (6) iron and steel plants and facilities; (7) pipe lines and facilities used for transporting oil; (8) patents, processes, techniques, and inventions, except such as are necessary to the operation of the plants and facilities herein listed; (9) aircraft plants and facilities and aircraft and aircraft parts; (10) shipyards and facilities; (11) transportation facilities; and (12) radio and electrical equipment:

(A) Describing the amount, cost, and location of the property and setting forth other descriptive information relative to the use of the property;

(B) Outlining the economic problems that may be created by disposition of the property;

(C) Setting forth a plan or program for the care and handling, disposition, and use of the property consistent with the policies and objectives set forth in this Act [sections 1611-1646 of this Appendix].

**(b) Interim and additional reports.**—In the event that it is not possible within such period to prepare and submit a complete report to the Congress as to any class of property, the Board shall submit an interim report three months after the enactment of this Act [October 3, 1944], and shall submit a complete report as soon thereafter as possible. If the Board determines that it is desirable to alter or change any such plan or program or to prepare a report on any other class of property, it shall prepare in accordance with the provisions of this subsection and submit to the Congress an additional report, setting forth the altered or changed plan or program or a plan or program relating to the new class of property.

**(c) Disposition of particular classes of plants.**—Whenever the Board may deem it to be in the interest of the objectives of this Act [sections 1611-1646 of this Appendix] it may authorize the disposition of any surplus property listed in classes 9 to 12, inclusive, of subsection (a) of this section. With respect to the property listed in classes 1 to 8, inclusive, no disposition shall be made or authorized until thirty days after such report (or additional report) has been made while Congress is in session, except that the Board may authorize any disposal agency to lease any such property for a term of not more than five years.



**(d) Disposition of surplus plants' material and equipment.**—The Board may authorize any disposal agency to dispose of any materials or equipment related to any surplus plant covered by this section, if such materials and equipment are not necessary for the operation of the plant in the manner for which it is designed.

**(e) Exceptions.**—This section shall not apply to any Government-owned equipment, structure, or other property operated as an integral part of a privately owned plant and not capable of economic operation as a separate and independent unit. (Oct. 3, 1944, ch. 479, 19, 58 Stat. 774.)

**§ 1629. Applicability of antitrust laws to disposal; notification to Attorney General of proposed disposal; definition of antitrust laws.**—Whenever any disposal agency shall begin negotiations for the disposition to private interests of a plant or plants or other property, which cost the Government \$1,000,000 or more, or of patents, processes, techniques or inventions, irrespective of cost, the disposal agency shall promptly notify the Attorney General of the proposed disposition and the probable terms or conditions thereof. Within a reasonable time, in no event to exceed ninety days after receiving such notification, the Attorney General shall advise the Board and the disposal agency whether, in his opinion, the proposed disposition will violate the antitrust laws. Upon the request of the Attorney General, the Board or other Government agency shall furnish or cause to be furnished such information as it may possess which the Attorney General determines to be appropriate or necessary to enable him to give the advice called for by this section or to determine whether any other disposition of surplus property violates the antitrust laws. Nothing in this Act [sections 1611-1646 of this Appendix] shall impair, amend, or modify the antitrust laws or limit and prevent their application to persons who buy or otherwise acquire property under the provisions of this Act [such sections]. As used in this section, the term "antitrust laws" includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended [sections 1-7 of Title 15]; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended [sections 12, 13, 14-21, 22-27, and 44 of Title 15, section 412 of Title 18, sections 381-383, 386-390a of Title 28 and sections 52 and 53 of Title 29]; the Federal Trade Commission Act [sections 41-46 and 47-58a of Title 15]; and the Act of August 27, 1894 (ch. 349, secs. 73, 74, 28 Stat. 570), as amended [sections 8 and 9 of Title 15]. (Oct. 3, 1944, ch. 479, § 20, 58 Stat. 775.)

**§ 1630. Formulation of policies for disposal of surplus agricultural commodities; restrictions on sale of cotton and woolen goods and farm commodities.**—(a) Subject to the supervision of the Board, the War Food Administrator, or his successor, shall be solely responsible for the formulation of policies with respect to the disposal of surplus agricultural commodities and surplus foods processed from agricultural commodities, which shall be administered by the disposal agency or agencies designated by the Board. Such policies shall be so formulated as to prevent surplus agricultural commodities, or surplus food processed from



agricultural commodities, from being dumped on the market in a disorderly manner and disrupting the market prices for agricultural commodities.

(b) The Board shall not exercise any of its powers under this Act [sections 1611-1646 of this Appendix] with relation to disposal of surplus cotton or woolen goods except with the approval in writing of the War Food Administrator or his successor.

(c) Surplus farm commodities shall not be sold in the United States under this Act in quantities in excess of, or at prices less than, those applicable with respect to sales of such commodities by the Commodity Credit Corporation, or at less than current prevailing market prices, whichever may be the higher, unless such commodities are being disposed of, pursuant to this Act [such section], only for export; and the Commodity Credit Corporation may dispose of or cause to be disposed of for cash or its equivalent in goods or for adequately secured credit, for export only, and at competitive world prices, any farm commodity or product thereof without regard to restrictions with respect to the disposal of commodities imposed upon it by any law: *Provided*, That no food or food product shall be sold or otherwise disposed of under this subsection for export (1) if there is a shortage of such food or food product in the United States or if such sale or other disposition may result in such a shortage, or (2) if such food or food product is needed to supply the normal demands of consumers in the United States. (Oct. 3, 1944, ch. 479, § 21, 58 Stat. 775.)

**§ 1631. Stockpiling—(a) Transfer of strategic minerals and metals; definition.**—All Government-owned accumulations of strategic minerals and metals, including those owned by any Government corporation, shall be transferred by the owning agency, when determined to be surplus pursuant to this Act [sections 1611-1646 of this Appendix], to the account of the Treasury Procurement Division and shall be added to the stock pile authorized by the Act of June 7, 1939 (53 Stat. 811), as amended [sections 98-98f of Title 50], and shall be subject to its provisions: *Provided*, That contractor inventory shall be so transferred only when the owning agency has taken possession of and determined such inventory to be surplus. The minerals and metals may be transferred in any form in which they are held, but the owning agency or the Treasury Procurement Division is authorized either before or after such legal transfer to cause such minerals or metals to be put into forms best suited for storage and use for the common defense. As used in this section the phrase “strategic minerals and metals” means copper, lead, zinc, tin, magnesium, manganese, chromite, nickel, molybdenum, tungsten, mercury, mica, quartz crystals, industrial diamonds, cadmium, fluor spar, cobalt, tantalite, antimony, vanadium, platinum, beryl, graphite (and to which may be added aluminum or any other minerals or metals in such quantities or amounts as the Army and Navy Munitions Board may determine to be necessary for the stock pile authorized by the Act of June 7, 1939) [sections 98-98f of Title 50], and shall include ores, concentrates, alloys, scrap, and partially and completely fabricated articles of which the principal components by value consist of such minerals and metals, but shall not



include such fabricated articles as the Army and Navy determine are not suitable for their use in the form in which fabricated and which may be disposed of commercially at value substantially in excess of the metal market price of the component minerals and metals of such fabricated articles.

**(b) Withholding from transfer for six months period.**—Pending a determination by the War Production Board that the supplies of the respective strategic minerals and metals available to industry are sufficient to meet the current requirements of industry, the owning agency subject to the regulations prescribed by the Surplus Property Board shall withhold from transfer under this section an amount of such minerals and metals equal to the deficiency, if any, estimated by the War Production Board as likely to exist for the requirements of industry for a period of six months for purposes other than war production; and may dispose of the minerals and metals so withheld to the extent necessary to meet any such deficiency actually found to exist by the War Production Board, at the market price of the respective minerals and metals.

**(c) Transfer of strategic materials; definition; removal from strategic list.**—Any Government-owned accumulations of strategic materials shall at the request of the War and Navy Departments be transferred by the owning agency, when determined to be surplus pursuant to this Act, to the account of the Treasury Procurement Division and shall be added to the stock pile authorized by the Act of June 7, 1939 (53 Stat. 811), as amended [sections 98-98f of Title 50], and shall be subject to its provisions. The materials may be transferred in any form in which they are held and they shall thereafter be put into forms best suited for storage and use for the common defense. The term "strategic materials" as used in this subsection means all materials except strategic minerals and metals as defined in subsection (a) of this section and includes all materials in group A or in group B of the list of strategic and critical materials determined upon by the Army and Navy Munitions Board on March 6, 1944, as amended from time to time, but shall not include any of such materials which the Army and Navy determine do not meet the specifications suitable for common defense or are in excess of the needs thereof. The Army and Navy Munitions Board is authorized to direct the removal from the list of any of the materials as defined in this subsection, in which event they shall be disposed of under the provisions of this Act [sections 1611-1646 of this Appendix].

**(d) Report to Congress by Army and Navy Munitions Board.**—Within three months following the enactment of this Act [October 3, 1944] the Army and Navy Munitions Board shall submit to Congress its recommendations respecting the maximum and minimum amounts of each strategic mineral or metal which in its opinion should be held in the stock pile authorized by the Act of June 7, 1939 [sections 98-98f of Title 50]. After one year from the submission of such recommendations, unless the Congress provides otherwise by law, the Board may authorize the proper disposal agencies to dispose of any Government-owned accumulations of strategic minerals and metals including those owned by



any Government corporation when determined to be surplus pursuant to this Act [sections 1611-1646 of this Appendix]. (Oct. 3, 1944, ch. 479, § 22, 58 Stat. 776.)

**§ 1632. Disposal of surplus real property—(a) Definitions.—**  
As used in this section—

(1) The term “real property” means property consisting of land, together with any fixtures and improvements thereon, located outside of the District of Columbia, but does not include war housing, industrial plants, factories, or similar structures and facilities, or the sites thereof, or land which the Board determines is essential to the use of any of the foregoing; and

(2) The term “surplus real property” means real property which has been determined under section 11 [section 1620 of this Appendix] to be surplus property.

**(b) Property to be disposed.**—Surplus real property which is not disposed of to Government agencies under section 12 [section 1621 of this Appendix] or to States or their political subdivisions or instrumentalities under section 13 [section 1622 of this Appendix] shall be disposed of in accordance with this section.

**(c) Classification of property.**—Immediately after the reporting of surplus real property to the Board under section 11 [section 1620 of this Appendix], the Board shall classify such property as agricultural, grazing, forest, mineral, or otherwise, as it may deem advisable. The classification may be revised from time to time.

**(d) Preference to former owner; rights of tenant; price limitation.**—(1) (A) In the case of any surplus real property which was acquired by any Government agency after December 31, 1939, the person from whom such property was acquired shall be given notice, in such manner (which may include publication) as the Board by regulation may prescribe, that the property is to be disposed of by the United States and shall be entitled to purchase such property, in substantially the identical tract as when acquired from such person, at private sale at any time during the period of ninety days following such notice: *Provided*, That such period shall be extended in any case when it appears that such extension is necessary or appropriate to facilitate the sale of any surplus real property under this subsection.

(B) In the case of real property acquired by any Government agency after December 31, 1939, which either—

(i) has not been determined under section 11 [section 1620 of this Appendix] to be surplus property, or

(ii) has been disposed of under section 12 [section 1621 of this Appendix] or 13 [section 1622 of this Appendix], or

(iii) is classified as suitable for a purpose different from that for which it was used when acquired by the Government, and with respect to which the person from whom it was acquired has signified an intention not to exercise the privilege granted under subparagraph (A),

the person from whom such property was acquired may be offered other surplus real property in the same area for purchase at private sale, if such other property is classified as suitable for the



purpose for which the property so acquired was used when so acquired, and is otherwise similar to the property so acquired.

(2) In the case of surplus real property which was acquired by any Government agency after December 31, 1939, and which is classified as suitable for agricultural use, if any tenant (who was a tenant at the time of acquisition) of the person from whom such property was acquired, signifies, within a period of ninety days following public notice of sale, his intention to purchase such property, and no person has exercised his privilege under paragraph (1) (A), such tenant shall be entitled to purchase such property, in substantially the identical tract as when acquired by such Government agency, at private sale at any time during such ninety-day period.

(3) The price to be paid for surplus real property sold under this subsection shall be a price not greater than that for which it was acquired by the United States, such acquisition price being properly adjusted to reflect any increase or decrease in the value of such property resulting from action by the United States, or a price equal to the market price at the time of sale of such property, whichever price is the lower.

(4) The Board may by regulation prescribe methods for the identification of persons entitled to exercise the privileges conferred by this subsection.

**(e) Division of agricultural property into family-size units; division of property unsuitable for agriculture.**—If any surplus real property is not disposed of under subsection (d)—

(1) such property, if classified as suitable for agricultural use, shall be subdivided, as provided by the Board, whenever practicable into economic family-size units (taking into consideration the variations in sizes of economic units in different localities); and

(2) such property, if not classified as suitable for agricultural use, shall be subdivided into the appropriate units in which the Board deems the property should be disposed of, giving due consideration to the character of the property, the economic use to which it is likely to be put, and the objectives of disposition as set forth in this Act [sections 1611-1646 of this Appendix].

**(f) Preference to veterans; procedure.**—(1) Whenever any surplus real property classified as suitable for agricultural, residential, or small business purposes is to be disposed of, except as provided in subsection (d) of this section, veterans shall be granted a preference in the purchase of such property over nonveterans.

(2) The following procedure shall govern the exercise of veterans' preference rights under this subsection: The disposal agency, under regulations prescribed by the Board, shall fix the price of each unit into which the property is subdivided under subsection (e) after taking into consideration the then current market value, the character of the property, and, if income producing property, the estimated earning capacity thereof. Before any such property is disposed of, except under subsection (d), any veteran may apply for the purchase of any or all units offered for sale at the price so fixed. The Board shall prescribe the time within which application shall be made and shall give such notice thereof as it deems



reasonable to enable veterans to exercise their rights under this subsection. The Board shall provide for the selection of the purchaser of each unit by lot from among the applicants for the unit. If any applicant is selected as the purchaser of more than one unit, he shall elect which one to take, whereupon the right to purchase the remaining units shall go to the remaining applicants in the order in which their names were drawn. No veteran may apply for the purchase of any property under the provisions of this subsection if he has previously exercised a preference right under this section and has acquired property pursuant thereto. Sales to veterans under this subsection shall be upon such terms as the Board may prescribe.

**(g) Rights of beneficiaries of former owner or veteran; order of succession; limitation on preference right.**—In the case of the death of a person entitled under this section to rights as a former owner or veteran, his spouse and children, in that order, shall succeed to such rights of the decedent existing at the time of his death. Any preference right under subsection (f) to which a person would have been entitled except for his death while in the active military or naval service of the United States, shall be extended to his spouse and children, in that order. No preference right may be assigned or exercised by power of attorney or through a power to select except as may be permitted by regulations prescribed by the Board in order to prevent the loss of such right by the holder thereof.

**(h) Termination of purchase privileges.**—A certificate by the disposal agency that the provisions of subsections (d), (f), and (g) have been complied with in the case of any property and that no qualified applicant has made application to exercise his privilege to purchase within the time limits fixed by or pursuant to this Act [sections 1611-1646 of this Appendix], shall terminate all privileges to purchase such property.

**(i) Limitations on disposal of agricultural lands; financial assistance by Department of Agriculture.**—In the case of surplus real property which is classified as suitable for agricultural use and which is not disposed of under subsection (d) or (f), such property (after subdivision as provided in subsection (e) (1), shall be disposed of insofar as possible only to persons who expect to cultivate the land and to operate it for a livelihood. The Department of Agriculture is authorized and directed, within the limits of its current functions under the Bankhead-Jones Farm Tenant Act [sections 1000-1029 of Title 7], to extend needed financial and other assistance to persons eligible for such assistance under the Bankhead-Jones Farm Tenant Act [sections 1000-1029 of Title 7] and the Servicemen's Readjustment Act of 1944 [sections 693-697e of Title 38], in connection with the disposal of surplus agricultural lands pursuant to this subsection.

**(j) Approval of deed or instrument of transfer; warranty deeds.**—In the case of sales of real property under this section or under any other provision of this Act [sections 1611-1646 of this Appendix], the form of deed or instrument of transfer shall be approved by the Attorney General. Deeds or other instruments containing general or special warranties of title may be issued and delivered



to purchasers provided such warranties have been recommended and approved by the Attorney General. In determining whether general or special warranty deeds to properties may be issued and delivered, the Attorney General is authorized to approve the issuance and delivery of warranty deeds where titles are subject to infirmities of such character that in his opinion the interests of the United States will not be jeopardized under its warranty. (Oct. 3, 1944, ch. 479, § 23, 58 Stat. 777.)

§ 1633. **Reports to Congress.**—Within three months after the enactment of this Act [October 3, 1944], and thereafter in January, April, July, and October of each year, the Board shall submit to the Senate and House of Representatives a progress report on the exercise of its authority and discretion under this Act [sections 1611-1646 of this Appendix], the status of surplus property disposition, and such other pertinent information on the administration of the Act [such sections] as will enable the Congress to evaluate its administration and the need for amendments and related legislation. (Oct. 3, 1944, ch. 479, § 24, 58 Stat. 780.)

§ 1634. **Conclusiveness of title of purchaser.**—A deed, bill of sale, lease, or other instrument executed by or on behalf of any Government agency purporting to transfer title or any other interest in property under this Act [sections 1611-1646 of this Appendix] shall be conclusive evidence of compliance with the provisions of this Act [such sections] insofar as title or other interest of any bona fide purchasers for value, or lessees, as the case may be, is concerned. (Oct. 3, 1944, ch. 479, § 25, 58 Stat. 780.)

§ 1635. **Civil remedies for fraudulent acts; jurisdiction; remedies as additional.**—(a) Where any property is disposed of in accordance with this Act [sections 1611-1646 of this Appendix] and any regulations prescribed under this Act [such sections], no officer or employee of the Government shall (1) be liable with respect to such disposition except for his own fraud or (2) be accountable for the collection of any purchase price which is determined to be uncollectible by the agency responsible therefor.

(b) Every person who shall use or engage in or cause to be used or engaged in any fraudulent trick, scheme, or device, for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any payment, property, or other benefits from the United States or any Government agency in connection with the disposition of property under this Act [such sections]; or who enters into an agreement, combination, or conspiracy to do any of the foregoing—

(1) shall pay to the United States the sum of \$2,000 for each such act, and double the amount of any damage which the United States may have sustained by reason thereof, together with the costs of suit; or

(2) shall, if the United States shall so elect, pay to the United States, as liquidated damages, a sum equal to twice the consideration agreed to be given by such person to the United States or any Government agency; or



(3) shall, if the United States shall so elect, restore to the United States the property thus secured and obtained and the United States shall retain as liquidated damages any consideration given to the United States or any Government agency for such property.

(c) The several district courts of the United States, the District Court of the United States for the District of Columbia, and the several district courts of the Territories of the United States, within whose jurisdictional limits the person, or persons, doing or committing such act, or any one of them, resides or shall be found, shall wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit.

(d) The civil remedies provided in this section shall be in addition to all other criminal penalties and civil remedies provided by law. (Oct. 3, 1944, ch. 479, § 26, 58 Stat. 780.)

**§ 1636. Practice by former employees; penalties.**—No person employed by any Government agency, including commissioned officers assigned to duty in such agency, shall, during the period such person is engaged in such employment or service, or for a period of two years after the time when such employment or service has ceased, act as counsel, attorney, or agent, or be employed as representative, in connection with any matter involving the disposition of surplus property by the agency in which such person was employed, if such person during his employment with such agency ratified, approved, or authorized the disposition of any surplus property pursuant to the provisions of this Act [sections 1611-1646 of this Appendix] or recommended any such approval, authorization, or ratification as part of his official duties. Any person violating the provisions of this section shall be fined not more than \$10,000, or imprisoned for not more than one year, or both. (Oct. 3, 1944, ch. 479, § 27, 58 Stat. 781.)

**§ 1637. Amendment of section 590a of Title 18.**—The first section of the Act of August 24, 1942 (56 Stat. 747), as amended [section 590a of Title 18], is amended to read as follows:

“The running of any existing statute of limitations applicable to any offense against the laws of the United States (1) involving defrauding or attempts to defraud the United States or any agency thereof whether by conspiracy or not, and in any manner, or (2) committed in connection with the negotiation, procurement, award, performance, payment for, interim financing, cancelation or other termination or settlement, of any contract, subcontract, or purchase order which is connected with or related to the prosecution of the present war, or with any disposition of termination inventory by any war contractor or Government agency, or (3) committed in connection with the care and handling and disposal of property under the Surplus Property Act of 1944 [sections 1611-1646 of this Appendix], shall be suspended until three years after the termination of hostilities in the present war as proclaimed by the President or by a concurrent resolution of the two Houses of Congress. This section shall apply to acts, offenses, or transactions where the existing statute of limitations has not yet



fully run, but it shall not apply to acts, offenses, or transactions which are already barred by provisions of existing law." (Oct. 3, 1944, ch. 479, § 28, 58 Stat. 781.)

**§ 1638. Competitive bidding.**—Surplus property disposals may be made without regard to any provision in existing law for competitive bidding, unless the Board shall determine that disposal by competitive bid will in a given case better effectuate the policy of the Act [sections 1611-1646 of this Appendix]. (Oct. 3, 1944, ch. 479, § 29, 58 Stat. 781.)

**§ 1639. Disposition of proceeds—(a) Miscellaneous proceeds.**—All proceeds from any transfer or disposition of property under this Act [sections 1611-1644 of this Appendix] shall be covered into the Treasury as miscellaneous receipts, except as provided in subsections (b), (c), and (d) of this section.

**(b) Reimbursement of particular funds or appropriations.**—Where the property transferred or disposed of was acquired by the use of funds either not appropriated from the general fund of the Treasury or appropriated from the general fund of the Treasury but by law reimbursable from assessment, tax, or other revenue or receipts, then upon the request of the interested agency the net proceeds of the disposition or transfer shall be credited to the reimbursable fund or appropriation or paid to the owning agency. As used in this subsection the term "net proceeds of the disposition or transfer" means the proceeds of the disposition or transfer minus all expenses incurred for care and handling and disposition or transfer.

**(c) Deposit in special refund account.**—To the extent authorized by the Board, any Government agency disposing of property under this Act [such sections] (1) may deposit, in a special account with the Treasurer of the United States, such amount of the proceeds of such dispositions as it deems necessary to permit appropriate refunds to purchasers when any disposition is rescinded or does not become final, or payments for breach of any warranty, and (2) may withdraw therefrom amounts so to be refunded or paid, without regard to the origin of the funds withdrawn.

**(d) Credit against contract cost.**—Where a contract or subcontract authorizes the proceeds of any sale of property in the custody of the contractor or subcontractor to be credited to the price or cost of the work covered by such contract or subcontract, the proceeds of any such sale shall be credited in accordance with the contract or subcontract.

**(e) Management of mortgage or lien held as security.**—Where the disposal agency acquires or retains any mortgage, lien, or other interest as security in connection with any transfer or disposition or <sup>1</sup> property under this Act [such sections], the disposal agency shall retain, preserve, and manage such security and may enforce and settle any right of the Government with respect thereto in such manner and upon such terms as it deems in the best interest of the Government. The Board may prescribe regu-

<sup>1</sup> So in original. Probably should read "of".



lations to govern the exercise of the authority granted under this subsection. (Oct. 3, 1944, ch. 479, § 30, 58 Stat. 781.)

§ 1640. Use of appropriated funds; appropriations.—(a) Any Government agency is authorized to use for the disposition of property under this Act [sections 1611-1644 of this Appendix], and for its care and handling pending such disposition, any funds heretofore or hereafter appropriated, allocated, or available to it for the purpose of production or procurement of such property.

(b) Any Government agency is authorized to use for the acquisition of any surplus property under this Act [such sections] any funds heretofore or hereafter appropriated, allocated, or available to it for the acquisition of property of the same kind.

(c) There are authorized to be appropriated such sums as may be necessary or appropriate for administering the provisions of this Act [such sections]. (Oct. 3, 1944, ch. 479, § 31, 58 Stat. 782.)

§ 1641. Dispositions outside United States.—(a) Nothing in this Act [sections 1611-1646 of this Appendix] shall limit or affect the authority of commanders in active theaters of military operations with respect to property in their control.

(b) The provisions of this Act [such sections] shall be applicable to dispositions of property within the United States and elsewhere, but the Board may exempt from some or all of the provisions hereof dispositions of property located outside of the continental United States, its Territories and possessions, whenever it deems that such provisions would obstruct the efficient and economic disposition of such property in accordance with the objectives of this Act [such sections]. (Oct. 3, 1944, ch. 479, § 32, 58 Stat. 782.)

§ 1642. Restrictions on importation of surplus property into United States; exemptions.—(a) It is the policy of this Act [sections 1611-1646 of this Appendix] to prohibit, so far as feasible and necessary to carry out the objectives of this Act [such sections], the importation into the United States of surplus property sold abroad or for export. The Board shall prescribe regulations to carry out such policy, and the importation of surplus property into the United States is hereby prohibited to the extent specified in such regulations. The Secretary of the Treasury is authorized and directed to provide for the enforcement of such regulations.

(b) Surplus property sold to members of the armed forces abroad may be brought into the United States without regard to the provisions of subsection (a) if brought in by the original purchaser and upon certificate by him that he is bringing the property into the United States for his personal use. (Oct. 3, 1944, ch. 479, § 33, 58 Stat. 782.)

§ 1643. Saving provisions.—(a) The authority conferred by this Act [sections 1611-1646 of this Appendix] is in addition to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith. This Act [such sections] shall not impair or affect any authority for the disposition of property under any other law, except that the Board may prescribe regulations to govern any disposition of surplus prop-



erty under any such authority to the same extent as if the disposition were made under this Act [such sections], whenever it deems such action necessary to effectuate the objectives and policies of this Act [such sections].

(b) Nothing in this Act [such sections] shall impair or affect the provisions of the Contract Settlement Act of 1944 [sections 101-125 of Title 42]; the Emergency Price Control Act of 1942, as amended [sections 901-946 of this Appendix]; the Act of October 2, 1942 (ch. 578, 56 Stat. 765), as amended [sections 961-971 of this Appendix]; section 301 of the Second War Powers Act, 1942 [section 633 of this Appendix]; the Act of March 11, 1941 (55 Stat. 31), as amended [sections 411-419 of Title 22]; the Tennessee Valley Authority Act of 1933, as amended [sections 831-831dd of Title 16]; Public Law 849, Seventy-sixth Congress, as amended, respecting war housing and facilities [sections 1501-1564 of Title 42]; the Act of June 7, 1939, relating to the acquisition of strategic and critical materials (53 Stat. 811) [sections 98-98f of Title 50]; the Trading With the Enemy Act, as amended [sections 1-30 of this Appendix]; section 43 of the Bankhead-Jones Farm Tenant Act, as amended [section 1617 of Title 7]; Acts supplemental to any of the foregoing; any law regulating the exportation of property from the United States; the internal-revenue laws; the statutes relating to the public lands; or any criminal law of the United States.

(c) Nothing in this Act [such sections] shall be deemed to impair or modify any contract, or any term or provision of any contract, without the consent of the contractor, if the contract or the term or provision thereof is otherwise valid. (Oct. 3, 1944, ch. 479, § 34, 58 Stat. 783.)

§ 1644. **Temporary applicability of existing procedures.**—All policies and procedures relating to surplus property prescribed by the Surplus War Property Administration, created by Executive Order Numbered 9425, dated February 19, 1944, or any other Government agency, in effect upon the effective date of this Act [October 3, 1944], and not inconsistent with this Act [sections 1611-1646 of this Appendix], shall remain in full force and effect unless and until superseded by regulations prescribed under this Act [such sections]. (Oct. 3, 1944, ch. 479, § 35, 58 Stat. 783.)

#### REFERENCES IN TEXT

Executive Order Numbered 9425, dated February 19, 1944, referred to in the text, is set out as a note under section 601 of this Appendix.

§ 1645. **Disposition and removal of termination inventories; duties of contracting agencies and Board; cooperation between Board and Director of Contract Settlement; definitions.**—(a) The Congress recognizes that upon termination of war contracts, the plants of war contractors will be filled with vast termination inventories which until removed or disposed of will prevent or interfere with the resumption of civilian production and reemployment, and that so far as possible decisions should be made in advance of termination for the disposition and removal of such termination inventories without delay when termination occurs.



Measures should be taken to realize the greatest possible value from termination inventories.

(b) In advance of termination, to the maximum extent practicable—

(1) each contracting agency shall advise its war contractors of the classes of termination inventory the contracting agency will wish to retain for military purposes; and

(2) the Board shall establish procedures for advising war contractors as to the care and handling and disposition of termination inventory not required for military purposes, in order to effectuate the policies stated in subsection (a) of this section and the policies of section 11 (a) (3) of the Contract Settlement Act of 1944 [section 111 (a) (3) of Title 41].

(c) To the extent that it is impracticable so to advise war contractors in advance of termination, the contracting agencies and the Board shall be prepared to give such advice as soon as practicable after termination of the war contract.

(d) The Board and the Director of Contract Settlement shall cooperate in carrying out the provisions of this section.

(e) For the purposes of this section, the terms “contracting agency”, “termination inventory”, and “war contractor” shall have the meanings assigned to such terms by section 3 of the Contract Settlement Act of 1944 [section 103 of Title 41]. (Oct. 3, 1944, ch. 479, § 36, 58 Stat. 783.)

§ 1646. Amendment of section 968 of this Appendix; effective date.—(a) Section 8 (a) (1) of the Stabilization Act of 1942, as amended [section 968 (a) (1) of this Appendix] (relating to loans upon certain agricultural commodities) is amended by striking out “at the rate in the case of cotton of 92½ per centum” and inserting in lieu thereof “at the rate in the case of cotton of 95 per centum”.

(b) The amendment made by this section shall be applicable only with respect to crops harvested after December 31, 1943, but shall not apply to crops planted after 1944. In the case of loans made under such section 8 [section 968 of this Appendix] upon any of the 1944 crop of cotton before the amendment made by this section takes effect, the Commodity Credit Corporation is authorized and directed to increase or provide for increasing the amount of such loans to the amount of the loans which would have been made if the loan rate specified in the amendment made by this section had been in effect at the time the loans were made. (Oct. 3, 1944, ch. 479, § 37, 58 Stat. 784.)

## WAR MOBILIZATION AND RECONVERSION ACT OF 1944

### TITLE I.—OFFICE OF WAR MOBILIZATION AND RECONVERSION

§ 1651. Establishment of Office.—(a) Appointment, compensation, and tenure of Director.—There is hereby established the Office of War Mobilization and Reconversion, which shall be headed by the Director of War Mobilization and Reconversion (hereinafter called the “Director”). The Director shall be appointed by



the President, by and with the advice and consent of the Senate, shall receive compensation at the rate of \$15,000 per year, and shall serve for a term of two years.

**(b) Consolidation of agencies.**—The following agencies shall be placed within the Office of War Mobilization and Reconversion and shall exercise their functions subject to the general supervision of the Director:

(1) Office of Contract Settlement, created by the Contract Settlement Act of 1944 [sections 101-125 of Title 41].

(2) Surplus War Property Administration, created by Executive Order Numbered 9425 [section 601 note of this Appendix] (if such Administration is in existence after the Office of War Mobilization ceases to exist), and the Surplus Property Board created by the Surplus Property Act of 1944 [sections 1611-1646 of this Appendix].

(3) Retraining and Reemployment Administration, created by Executive Order Numbered 9427 [section 601 note of this Appendix] (if such Administration is in existence after the Office of War Mobilization ceases to exist), and the Retraining and Reemployment Administration created by title III of this Act [sections 1661-1663 of this Appendix].

Nothing in this subsection shall imply any derogation of the powers of the Director under subsection (c) with respect to the agencies placed within his office or with respect to other agencies not specifically placed within his office.

**(c) Powers and duties of Director.**—In addition to any powers which the President is authorized to and does delegate to the Director for the purpose of more effectively coordinating the mobilization of the Nation for war, the Director shall, subject to the direction of the President—

(1) formulate or have formulated such plans as are necessary to meet the problems arising out of the transition from war to peace;

(2) issue such orders and regulations to executive agencies as may be necessary to provide for the exercise of their powers in a manner consistent with the plans formulated under this section or to coordinate the activities of executive agencies with respect to the problems arising out of the transition from war to peace. Each executive agency shall carry out the orders and regulations of the Director expeditiously and, to the extent necessary to carry out such orders and regulations, shall modify its operations and procedures and issue regulations with respect thereto. Nothing contained in this section shall be construed as authorizing any activities to carry out any plans formulated under this section which are not within the scope of the powers possessed by the President or the executive agencies under provisions of law other than this section;

(3) recommend to the Congress appropriate legislation providing authority to carry out plans developed under this section but not authorized under existing law;

(4) promote and assist in the development of demobilization and reconversion plans by executive agencies; develop procedures



whereby each executive agency is kept informed of proposed demobilization and reconversion plans and proposals which relate to its work and which are being developed or carried out by other executive agencies; and settle controversies between executive agencies in the development and administration of such plans;

(5) cause studies and reports to be made for him by the various executive agencies which will enable him to determine the need for the simplification, consolidation, or elimination of such executive agencies as have been established for the purposes of the war emergency, for the termination, or establishment by statute, of executive agencies which exist under Executive order only, and for the relaxation or removal of emergency war controls;

(6) institute a specific study, for submission to the President and the Congress, of the present functions of the various executive agencies in the field of manpower, and develop a program for reorganizing and consolidating such agencies to the fullest extent practicable;

(7) consult and cooperate with State and local governments, industry, labor, agriculture, and other groups, both national and local, concerning the problems arising out of the transition from war to peace; and

(8) submit reports to the President, the Senate, and the House of Representatives on the 1st days of January, April, July, and October, on the activities undertaken or contemplated by him under this Act [sections 1651-1678 of this Appendix]. Such reports shall summarize and appraise the activities of the various executive agencies in the field of demobilization and post-war adjustment, and may include such legislative proposals as he may deem necessary or desirable.

**(d) Employment of Deputy Director and other officers and employees; expenditures for supplies, facilities, and services.**—The Director shall, within the limits of funds which may be made available, employ and fix the compensation of such Deputy Directors and other officers and employees, and may make such expenditures for supplies, facilities, and services, as may be necessary to carry out his functions. All such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1923, as amended [sections 661-663, 664-673 and 674 of this Appendix], except that Deputy Directors and expert administrative, technical, and professional personnel may be employed and their compensation fixed without regard to such laws. To the fullest extent practicable, the Director shall perform the duties imposed upon him through the facilities and personnel of other executive agencies; and for that purpose only he is authorized to delegate to the appropriate agencies and provide for the redelegation of the powers and duties vested in him, except the power to issue orders and regulations to other executive agencies. The Director may require such reports and information from executive agencies as he deems necessary to enable him to carry out his functions under this Act [sections 1651-1678 of this Appendix], and each executive agency shall furnish any information and reports so required. (Oct. 3, 1944, ch. 480, title I, § 101, 58 Stat. 785.)



## SHORT TITLE

Section 607 of act Oct. 3, 1944, cited to text, provided: "This Act [sections 1651-1678 of this Appendix] may be cited as the 'War Mobilization and Reconversion Act of 1944'."

## APPROPRIATION

Section 602 of act Oct. 3, 1944, cited to text, provided: "There are authorized to be appropriated such sums as may be necessary or appropriate to carry out the purposes and provisions of this Act [sections 1651-1678 of this Appendix]."

## SEPARABILITY CLAUSE

Section 604 of act Oct. 3, 1944, cited to text, provided: "If any provision of this Act [sections 1651-1678 of this Appendix], or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act [such sections] or the application of such provision to persons or circumstances, other than those as to which it is held invalid, shall not be affected thereby."

## TERMINATION DATE

Section 603 of act Oct. 3, 1944, cited to text, provided: "The provisions of this Act [sections 1651-1678 of this Appendix] shall terminate on June 30, 1947."

## CROSS REFERENCES

Contract Settlement Act of 1944, see sections 101-125 of Title 41, Public Contracts.

Renegotiation Act, see section 1191 of this Appendix.

Repricing of war contracts, see section 1192 of this Appendix.

Surplus Property Act of 1944, see sections 1611-1646 of this Appendix.

**EX. ORD. NO. 9488. TRANSFER OF RECORDS, PROPERTY, FUNDS, AND PERSONNEL OF THE OFFICE OF WAR MOBILIZATION AND ITS CONSTITUENT AGENCIES**

Ex. Ord. No. 9488, Oct. 3, 1944, 9 F. R. 12145, provided:

"By virtue of the power and authority vested in me by the Constitution and the laws of the United States, including the War Mobilization and Reconversion Act of 1944 (section 1651-1667 of this Appendix), it is hereby ordered as follows:

"1. All records and property of the Office of War Mobilization established by Executive Order No. 9347, dated May 27, 1943 (set out as a note under section 601 of this Appendix), and such unexpended balances of appropriations and other funds as are determined by the Director of the Bureau of the Budget to be available for the use of the said Office, and all personnel of the said Office shall be transferred to the Office of War Mobilization and Reconversion established by the War Mobilization and Reconversion Act of 1944 (this section).

"2. All records and office equipment of the Surplus War Property Administration established by Executive Order No. 9425, dated February 19, 1944 (set out as a note under section 601 of this Appendix), and such unexpended balances of appropriations and other funds as are determined by the Director of the Bureau of the Budget to be available for the use of the said Administration, and all personnel of the said Administration shall be transferred to the Surplus Property Board established by the Surplus Property Act of 1944 (sections 1611-1646 of this Appendix).

"3. All records and property of the Retraining and Reemployment Administration established by Executive Order No. 9427, dated February 24, 1944 (set out as a note under section 601 of this Appendix), and such unexpended balances of appropriations and other funds as are determined by the Director of the Bureau of the Budget to be available for the use of the said Administration, and all personnel of the said Administration shall be transferred to the Retraining and Reemployment Administration established by the War Mobilization and Reconversion Act of 1944 (section 1658 of this Appendix).

"4. Paragraphs 1, 2, and 3 of this order shall become effective as to each of the agencies heretofore created by Executive order and named in the said paragraphs upon the date when such agency ceases to exist as provided



in section 605 of the War Mobilization and Reconversion Act of 1944 (section 1666 of this Appendix).

"5. When the Director of the Office of War Mobilization and Reconversion, first appointed under section 101 of the War Mobilization and Reconversion Act of 1944 (this section), takes office, all functions, powers, and duties heretofore conferred upon the Office of War Mobilization, including all functions, powers, and duties conferred upon the said office by Executive Order No. 9347 (set out as a note under section 601 of this Appendix), shall be transferred to, and thereafter shall be exercised by, the said Director of the Office of War Mobilization and Reconversion."

**§ 1652. Advisory board; composition; functions; compensation of members.**—(a) There is hereby created an advisory board, which shall consist of twelve members who shall be appointed by the President by and with the advice and consent of the Senate. All the members of the Board shall represent the general public and the public interest, but in order that the Board may have the benefit and experience in the matters with which it will deal under this Act [sections 1651-1678 of this Appendix], three members of the Board shall have had experience in business management, three members shall have had experience in matters relating to labor, and three members shall have had experience in agriculture. The President shall designate one of the remaining three members as chairman of the board.

(b) It shall be the general function of the Board to advise with the Director with respect to war mobilization and reversion and make to him such recommendations relating to legislation, policies, and procedures as it may deem necessary.

(c) Members of the Board shall receive a per diem allowance of \$25 for each day spent in actual meetings of the Board or at conferences held upon the call of the Director, plus necessary traveling and other expenses incurred while so engaged. (Oct. 3, 1944, ch. 480, title I, § 102, 58 Stat. 786.)

#### TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

### TITLE II.—DEMobilIZATION AND RECONVERSION POLICIES

**§ 1656. Indefinite military service.**—The War and Navy Departments shall not retain persons in the armed forces for the purposes of preventing unemployment or awaiting opportunities for employment. (Oct. 3, 1944, ch. 480, title II, § 201 58 Stat. 787.)

#### TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

**§ 1657. Termination of prime war contracts.**—Any contracting agency shall terminate prime contracts for war production whenever in the opinion of the agency the performance under such contracts will not be needed for the prosecution of the war, and shall not continue performance under such contracts merely for the purpose of providing business and employment, or for any purposes other than the prosecution of the war, unless the Office of War Mobilization and Reconversion finds that the continuation of some or all of the work in process under any



such contract will benefit the Government or is necessary to avoid substantial physical injury to a plant or property. (Oct. 3, 1944, ch. 480, title II, § 202, 58 Stat. 787.)

#### TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

**§ 1658. Integration of termination of war contracts with resumption of civilian production.**—Curtailments of war production or terminations of war contracts shall be integrated and synchronized with the expansion, resumption, or initiation of production for other war purposes, and, to the greatest extent compatible with the effective prosecution of the war, of production for nonwar use. To effectuate this policy—

(a) **Survey by contracting agencies.**—The contracting agencies shall continuously survey their product and material requirements and report to the Director, in such form and detail as he may determine, on current and anticipated changes in requirements and on all anticipated curtailments of war production or terminations of war contracts;

(b) **Resumption of civilian production.**—The executive agencies exercising control over manpower, production, or materials shall permit the expansion, resumption, or initiation of production for nonwar use whenever such production does not require materials, components, facilities, or labor needed for war purposes, or will not otherwise adversely affect or interfere with the production for war purposes. Such production for nonwar use shall be permitted regardless of whether one or more competitors normally engaged in the performance under any contract which is needed for the prosecution of the war, and shall not be made dependent upon the existence of a concern or the functioning of a concern in a given field of activity at a given time;

(c) **Establishment of policies.**—The Director shall—

(1) Establish policies to be followed by the contracting agencies in selecting individual contracts or classes of contracts or classes for curtailment, nonrenewal, or termination;

(2) Establish policies providing for full and prompt consultation between the executive agencies, war contractors, and the representatives of the employees of war contractors with regard to obtaining the most effective use in other war production or in production for nonwar use of facilities and manpower to be released through anticipated curtailments in war production or terminations of war contracts. (Oct. 3, 1944, ch. 480, title II, § 203, 58 Stat. 787.)

#### TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

**§ 1659. Small plant participation in civilian production; percentage of allocated materials; establishment of standards, quota, etc.**—(a) Whenever the expansion, resumption, or initiation of production for nonwar use is authorized, on a restricted basis, by any executive agency having control over manpower, production, or materials, the restrictions imposed shall not be



such as to prevent any small plant capable and desirous of participating in such expansion, resumption, or initiation of production for nonwar use from so participating in such production.

(b) Whenever such executive agency allocates available materials for the production of any item or group of items for nonwar use, it shall make available a percentage of such materials for the exclusive use by small plants for the production of such item or group of items. Such percentage shall be determined by the head of such agency after giving full consideration to the claims presented by the chairman of the board of directors of the Smaller War Plants Corporation and shall be fair and equitable.

(c) In allocating the materials thus set aside among such small plants, such executive agency shall establish criteria, standards, quotas, schedules, or other conditioning factors after consultation with the chairman of the board of directors of the Smaller War Plants Corporation. Such executive agency shall allocate such materials directly to such small plants and shall, to the fullest extent practicable, provide for making such allocations through local offices easily accessible to such small plants. For the purposes of this title [sections 1656-1660 of this Appendix], a small plant means any small business concern engaged primarily in production or manufacturing either employing two hundred and fifty wage earners or less, or coming within such other categories as may be established by the head of such executive agency in consultation with the chairman of the board of directors of the Smaller War Plants Corporation. Such other categories shall be defined by taking into consideration the comparative sizes of establishments in a particular industry as reflected by sales volumes, quantities of materials consumed, capital investments, or by other criteria which are reasonably attributable to small plants rather than medium or large size plants. (Oct. 3, 1944, ch. 480, title II, § 204, 58 Stat. 788.)

#### TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

**§ 1660. Surveys by Attorney General; report to Congress.**—The Attorney General is directed to make surveys for the purpose of determining any factors which may tend to eliminate competition, create or strengthen monopolies, injure small business, or otherwise promote undue concentration of economic power in the course of war mobilization and during the period of transition from war to peace and thereafter. The Attorney General shall submit to the Congress within ninety days after the approval of this Act [October 3, 1944], and at such times thereafter as he deems desirable, reports setting forth the results of such surveys and including recommendations for such legislation as he may deem necessary or desirable. (Oct. 3, 1944, ch. 480, title II, § 205, 58 Stat. 788.)

#### TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.



## TITLE III.—RETRAINING AND REEMPLOYMENT

**§ 1661. Establishment of Administration; appointment and compensation of Administrator.**—There is hereby established a Retraining and Reemployment Administration (hereinafter referred to as the “Administration”), the functions of which, subject to the general supervision of the Director of War Mobilization and Reconversion, shall be exercised by a Retraining and Reemployment Administrator (hereinafter in this title [sections 1661-1663 of this Appendix] referred to as the “Administrator”), to be appointed by the President, by and with the advise and consent of the Senate, and to receive a salary at the rate of \$12,000 per annum. The same person may serve as Administrator and as Administrator of Veterans’ Affairs, but in such case he shall receive only the salary provided by this section. (Oct. 3, 1944, ch. 480, title III, § 301, 58 Stat. 788.)

## TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

**§ 1662. Functions of Administration; cooperation with State and local agencies.**—It shall be the function of the Administration—

(a) to have general supervision and direction of the activities of all existing executive agencies (except the Veterans’ Administration and the Administrator of Veterans’ Affairs) authorized by law relating to retraining, reemployment, vocational education, and vocational rehabilitation for the purpose of coordinating such activities and eliminating overlapping functions of such agencies. To the extent necessary to achieve such purposes the Administrator shall have power to issue regulations in connection with the work of such executive agencies, but nothing in this title [sections 1661-1663 of this Appendix] shall be deemed to confer any power or authority upon such agency or authorize any activities by any such agency not authorized by provisions of law other than this title [such sections], or to extend any existing power beyond the date upon which it would otherwise expire; and

(b) to confer with existing State and local agencies and officials in charge of existing programs relating to retraining, reemployment, vocational education, and vocational rehabilitation for the purpose of coordinating the activities of existing Federal agencies with the activities of such State and local agencies. (Oct. 3, 1944, ch. 480, title III, § 302, 58 Stat. 789.)

## TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

**§ 1663. Employment of Assistant Administrators, and officers and employees; expenditures for supplies, facilities, and services.**—The Administrator shall, within the limits of funds which may be made available, employ and fix the compensation of such Assistant Administrators and other officers and employees, and may make such expenditures for supplies, facilities, and services as may be necessary to carry out his functions and the func-



tions of the Administration. All such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1923, as amended [sections 661-663, 664-673, and 674 of Title 5], except that Assistant Administrators and expert administrative, technical, and professional personnel may be employed and their compensation fixed without regard to such laws. To the fullest extent practicable, the Administrator shall perform the duties imposed upon him through the facilities and personnel of other executive agencies. (Oct. 3, 1944, ch. 480, title III, § 303, 58 Stat. 789.)

#### TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

#### TITLE IV.—ADVANCES TO STATE UNEMPLOYMENT FUNDS

**§ 1666. Amendment of section 1104 of Title 42.**—(a) Section 904 (a) of the Social Security Act, as amended [section 1104 (a) of Title 42], is further amended by inserting, immediately before the period at the end of the second sentence of the subsection, a comma and the following: “or deposited pursuant to appropriations to the Federal unemployment account.”

(b) Section 904 (e) of the Social Security Act, as amended [section 1104 (e) of Title 42], is further amended by inserting, after the words “a separate book account for each State agency” a comma and the following: “The Federal unemployment account,”

(c) Section 904 of the Social Security Act, as amended [section 1104 of Title 42], is further amended by adding, at the end of the section, the following new subsections:

“(g) The Secretary of the Treasury is authorized and directed, prior to audit or settlement by the General Accounting Office, to make transfers from the Federal unemployment account to the account of any State in the Unemployment Trust Fund in accordance with certification made by the Board pursuant to section 1201 [section 1321 of Title 42], not exceeding the amount on deposit in the Federal unemployment account at the time of such transfer.

“(h) There is hereby established in the Unemployment Trust Fund a Federal unemployment account. There is hereby authorized to be appropriated to such Federal unemployment account a sum equal to the excess of taxes collected prior to July 1, 1943, under title IX of this Act [sections 1101-1110 of Title 42] and under the Federal Unemployment Tax Act [sections 1600-1611 of Title 26], over the total unemployment administrative expenditures made prior to July 1, 1943; and there is hereby authorized to be appropriated to such account for the fiscal year 1945 and for each fiscal year thereafter (1) a sum equal to any excess of taxes collected in the preceding fiscal year under the Federal Unemployment Tax Act [sections 1600-1611 of Title 26] over the unemployment administrative expenditures made in such year, and (2) such further sums, if any, as may be necessary to carry out the purposes of title XII [section 1321 of Title 42].



Any amounts in the Federal unemployment account on October 1, 1947, and any amounts repaid to such account after such date, shall be covered into the general fund of the Treasury. As used in this subsection, the term 'unemployment administrative expenditures' means expenditures for grants under title III of this Act [sections 501-503 of Title 42], for the administration of that title [such sections] by the Board, and for the administration of title IX of this Act [sections 1101-1110 of Title 42] and of the Federal Unemployment Tax Act [sections 1600-1611 of Title 26] by the Department of the Treasury and the Board. For the purposes of this subsection there shall be deducted from the total amount of taxes collected prior to July 1, 1943, under title IX of this Act [sections 1101-1110 of Title 42], the sum of \$40,561,886.43 which was authorized to be appropriated by the Act of August 24, 1937 (50 Stat. 754)." (Oct. 3, 1944, ch. 480, title IV, § 401, 58 Stat. 789.)

#### REFERENCE IN TEXT

Act of August 24, 1937 (50 Stat. 754) which is referred to in subsec. (h) is act Aug. 24, 1937, ch. 755, 50 Stat. 754, and is set out as a note under section 1103 of title 42.

#### TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

**§ 1667. Addition of Subchapter XII to Title 42.**—The Social Security Act, as amended [chapter 7 of Title 42], is further amended by adding at the end thereof the following new title [section 1321 of Title 42]:

#### TITLE XII.—ADVANCES TO STATE UNEMPLOYMENT FUNDS

"Sec. 1201. (a) In the event that the balance in a State's account in the Unemployment Trust Fund on June 30, 1945, or on the last day in any ensuing calendar quarter which ends prior to July 1, 1947, does not exceed a sum equal to the total contributions deposited in the Unemployment Trust Fund under the unemployment compensation law of the State during that one of the two calendar years next preceding such day in which such deposits were higher, the State shall be entitled, subject to the provisions of subsections (b) and (c) hereof, to have transferred from the Federal unemployment account to its account in the Unemployment Trust Fund an amount equal to the amount by which the unemployment compensation paid out by it in the calendar quarter ending on such day exceeded 2.7 per centum of the total remuneration which was paid during such quarter and was subject to the State unemployment compensation law.

"(b) The Social Security Board is authorized and directed, on application of a State unemployment compensation agency, to make findings as to whether the conditions for the transfer of moneys provided for in subsection (a) hereof have been met; and if such conditions exist, the Board is directed to certify, to the Secretary of the Treasury, from time to time, the amounts for transfer in order to carry out the purposes of this title [section 1321 of Title 42], reduced or increased, as the case may be, by any



sum by which the Board finds that the amounts transferred for any prior quarter were greater or less than the amounts to which the State was entitled for such quarter. The application of a State agency shall be made on such forms, and contain such information and data, fiscal and otherwise, concerning the operation and administration of the State law, as the Board deems necessary or relevant to the performance of its duties hereunder.

“(c) Any amount transferred to the account of any State under this section shall be treated as an advance, without interest, to the unemployment fund of such State and shall be repaid to the Federal unemployment account from the unemployment fund of that State to the extent that the balance in the State’s account in the Unemployment Trust Fund, at the end of any calendar quarter, exceeds a sum equal to the total contributions deposited in the Unemployment Trust Fund under the unemployment compensation law of the State during that one of the two calendar years next preceding such day in which such deposits were higher. The Secretary of the Treasury shall, after the end of each calendar quarter, transfer from the unemployment account of each State in the Unemployment Trust Fund to the Federal unemployment account the amount required to be repaid from the unemployment fund of such State at the end of such quarter under this subsection.” (Oct. 3, 1944, ch. 480, title IV, § 402, 58 Stat. 790.)

#### TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

#### TITLE V.—PUBLIC WORKS

§ 1671. Advance provisions by States for public works—(a) **Loans by Federal Works Agency.**—In order to encourage States and other non-Federal public agencies to make advance provision for the construction of public works (not including housing), the Federal Works Administrator is hereby authorized to make, from funds appropriated for that purpose, loans or advances to the States and their agencies and political subdivision (hereinafter referred to as “public agencies”) to aid in financing the cost of architectural, engineering, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action preliminary to the construction of such public works: *Provided*, That the making of loans or advances hereunder shall not in any way commit the Congress to appropriate funds to undertake any projects so planned.

(b) **Allocation of loans.**—Funds appropriated for the making of loans or advances hereunder shall be allotted by the Federal Works Administrator among the several States in the following proportion: 90 per centum in the proportion which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 10 per centum according to his discretion: *Provided*, That the allotments to any State shall aggregate not less than one-half of 1 per centum of the total funds available for allotment hereunder: *Provided further*, That no loans or advances shall be made with respect to any



individual project unless it conforms to an over-all State, local, or regional plan approved by competent State, local, or regional authority.

(c) **Repayment of loans.**—Advances under this section to any public agency shall be repaid by such agency if and when the construction of the public works so planned is undertaken. Any sums so repaid shall be covered into the Treasury as miscellaneous receipts.

(d) **Rules and regulations.**—The Federal Works Administrator is authorized to prescribe rules and regulations to carry out the purposes of this section.

(e) **Definition of State.**—As used in this section, the term "State" shall include the District of Columbia, Alaska, Hawaii, and Puerto Rico. (Oct. 3, 1944, ch. 480, title V, § 501, 58 Stat. 791.)

#### TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

#### TITLE VI.—GENERAL PROVISIONS

§ 1676. **Definitions.**—When used in this Act [sections 1651-1678 of this Appendix]—

(a) The term "executive agency" means any department, independent establishment, or agency in the executive branch of the Government, including any corporation wholly owned by the United States.

(b) The term "contracting agency" means any Government agency which has been or hereafter may be authorized to make contracts pursuant to section 201 of the First War Powers Act, 1941 [section 611 of this Appendix], and includes the Reconstruction Finance Corporation and any corporation organized pursuant to the Reconstruction Finance Corporation Act (47 Stat. 5), as amended [sections 601-617 of Title 15], and the Smaller War Plants Corporation. (Oct. 3, 1944, ch. 480, title VI, § 601, 58 Stat. 791.)

#### TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1677. **Disbandment and transfer of functions of certain offices, boards, etc.**—(a) When the Director first appointed under section 101 [section 1651 of this Appendix] has taken office, the Office of War Mobilization established by Executive Order Numbered 9347, dated May 27, 1943 [section 601 note of this Appendix], not including the Surplus War Property Administration or the Retraining and Reemployment Administration, shall cease to exist; and such records and property of the Office of War Mobilization, and such unexpended balances of appropriations or other funds available for its use, as the President shall determine, shall be transferred to the Office of War Mobilization and Reconversion.

(b) When a majority of the members of the Surplus Property Board first appointed under the Surplus Property Act of 1944 [sections 1611-1646 of this Appendix] have taken office, the Surplus War Property Administration created by Executive Order



Numbered 9425 [section 601 note of this Appendix] shall cease to exist; and such records and office equipment of the Surplus War Property Administration, and such unexpended balances of appropriations or other funds available for its use, as the President shall determine, shall be transferred to the Surplus Property Board.

(c) When the Retraining and Reemployment Administrator first appointed under section 301 [section 1661 of this Appendix] has taken office, the Retraining and Reemployment Administration created by Executive Order Numbered 9427 [section 601 note of this Appendix] shall cease to exist; and such records and property of the Administration created by such Executive order, and such unexpended balances of appropriations or other funds available for its use, as the President shall determine, shall be transferred to the Retraining and Reemployment Administration established by this Act [sections 1651-1678 of this Appendix]. (Oct. 3, 1944, ch. 480, title VI, § 605, 58 Stat. 792.)

#### TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1678. **Saving clause.**—All orders, policies, procedures, or directives prescribed by the Director of War Mobilization, in effect upon the effective date of this Act [October 3, 1944], and not inconsistent with this Act [sections 1651-1678 of this Appendix], shall remain in full force and effect unless and until superseded by the Director in accordance with this Act [such sections], or by operation of law. (Oct. 3, 1944, ch. 480, title VI, § 606, 58 Stat. 792.)

#### TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

## TITLE 60—MISCELLANEOUS STATUTES

### MOTOR VEHICLES

§ 1. **Registration of motor vehicles in the District of Columbia; Official and foreign vehicles.**—(a) No motor vehicle shall be operated and no trailer operated or moved on the public highways of the District of Columbia (except motor vehicles or trailers operated by nonresidents, exempted under the provisions of section 40-303, and motor vehicles covered by a dealer's registration as provided in subsection (b) (1) of this section) unless registered in the department of vehicles and traffic of the District of Columbia by the owner thereof. Upon receipt of an application from the owner of a motor vehicle and (except in the case of a motor vehicle covered by subsection (b) (2) of this section) payment of a registration fee computed as provided in section 40-103, and if there is in force with respect to such motor vehicle a valid certificate of title issued under section 40-603, the director shall issue to such owner a registration certificate and identification tags for such motor vehicle.

(b) The Commissioners of the District of Columbia by regulation shall provide for the issuance by the director— \* \* \* \*



(2) Annually, without charge, of certificates of registration and identification tags for all motor vehicles owned by the United States or by the District of Columbia, or officially used by any duly accredited representatives of a foreign government.\* \* \* \* (Aug. 17, 1937, 50 Stat. 680, ch. 690, § 2, title IV; May 16, 1938, 52 Stat. 359, ch. 223, § 4; July 17, 1939, 53 Stat. 1048, ch. 313, § 1; 40 D. C. Code, 1940 ed. § 40-102.)

**§ 2. All Government motor vehicles subject to annual inspection in District of Columbia.**—All motor vehicles owned and officially used by the government of the United States or by the government of the District of Columbia or by the representatives of foreign governments, shall be subject to annual inspection, such inspections to be furnished without charge. (Feb. 18, 1938, 52 Stat. 78, ch. 31, § 4; 40 D. C. Code, 1940 ed. § 40-204.)

**§ 3. District of Columbia Commissioners may refuse to register uninspected motor vehicles.**—The Commissioners of the District of Columbia or their designated agent may refuse to register any motor vehicle or trailer which has not been inspected as required, or which is unsafe or improperly equipped, or otherwise unfit to be operated, and for like reason they may revoke or suspend any registration already made: *Provided*, That the provisions of section 40-302 (a) shall be applicable in all cases where registration is refused, revoked, or suspended under the terms of this chapter. (Feb. 18, 1938, 52 Stat. 78, ch. 31, § 5; 40 D. C. Code, 1940 ed. § 40-205.)

**§ 4. Penalties for using unregistered vehicle.**—Any individual, partnership, firm, or corporation found guilty of using or permitting the use of any unregistered motor vehicle or trailer, or who is found guilty of using or permitting the use of the same during the period for which any such vehicle's registration is revoked, or suspended under the terms of this chapter, shall, for each such offense, be fined not more than \$300. (Feb. 18, 1938, 52 Stat. 78, ch. 31, § 6; 40 D. C. Code, 1940 ed. § 40-206.)

**§ 5. District of Columbia Commissioners empowered to issue regulations.**—The Commissioners of the District of Columbia shall make such regulations as in their judgment are necessary for the administration of this chapter, and may affix thereto such reasonable fines and penalties as in their judgment are necessary to enforce such regulations. (Feb. 18, 1938, 52 Stat. 78, ch. 31, § 7; 40 D. C. Code, 1940 ed. § 40-207.)

**§ 6. Operation of motor vehicles in District of Columbia without permit prohibited.**—No individual shall operate a motor vehicle in the District of Columbia, except as provided in section 40-303 (D. C. Code, 1940 ed.) without having first obtained an operator's permit issued under the provisions of this chapter. Any individual violating any provisions of this subsection shall, upon conviction thereof, be fined not more than \$300 or be imprisoned not more than ninety days. (Mar. 3, 1925, 43 Stat. 1121, ch. 443, § 7; July 3, 1926, 44 Stat. 812, ch. 739, § 2; Feb. 18, 1929, 45 Stat. 1226, ch. 258; Feb. 27, 1931, 46 Stat. 1424, ch. 317 § 2; June 20, 1939, 53 Stat. 850, ch. 231; Nov. 25, 1942, 56 Stat. 1023, ch. 642, § 2; 40 D. C. Code, 1940 ed. § 40-301.)



**§ 7. Nonresidents exempt from registration; period of exemption.**—(a) The owner or operator of any motor vehicle who is not a legal resident of the District, and who has complied with the laws of any State, Territory, or possession of the United States, or of a foreign country or political subdivision thereof, in respect of the registration of motor vehicles and the licensing of operators thereof, shall, subject to the provisions of this section, be exempt from compliance with section 40-301 (D. C. Code, 1940 ed.) and with any provision of law or regulation requiring the registration of motor vehicles or the display of identification tags in the District. Such exemption shall cover the period immediately following the entrance of such owner or operator into the District equal to the period for which the Commissioners or their designated agent have previously found that a similar privilege is extended to legal residents of the District by such State, Territory, or possession of the United States, or foreign country or political subdivision thereof. The Commissioners or their designated agent shall from time to time ascertain such privileges and cause his findings to be promulgated.

(b) any operator of a motor vehicle who is not a legal resident of the District and who does not have in his immediate possession an operator's permit issued by a State, Territory, or possession of the United States, or foreign country or political subdivision thereof, having motor vehicle reciprocity relations with the District, shall not operate a motor vehicle in the District unless (1) the laws of the State, Territory or possession of the United States, or foreign country or political subdivision thereof, under which the motor vehicle is registered do not require the issuance of a motor vehicle operator's permit or (2) he has submitted to examination within 72 hours after entering the District and obtained an operator's permit in accordance with the provisions of section 40-301 (D. C. Code, 1940 ed.) An individual who violates any provision of this subdivision shall, upon conviction thereof, be fined not less than \$5 nor more than \$50 or imprisoned not less than 30 days, or both. (Mar. 3, 1925, 43 Stat. 1123, ch. 443, § 8; Feb. 27, 1931, 46 Stat. 1424, ch. 317, § 2, 40 D. C. Code, 1940 ed. § 40-303.)

#### OTHER APPLICABLE STATUTES

**§ 15. Rate of interest on certain loans on security; penalties.**—Any person in the employ of the Government who shall loan money in violation of the provisions of this Act (entitled "An Act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real-estate brokers in the District of Columbia") shall forfeit his office or position and be removed from the same. (Feb. 4, 1913, 37 Stat. 659, ch. 26, § 5; 26 U. S. Code, 1940 ed. § 26-605.)

**§ 16. Exemption from jury service—Government employees qualified—Salary not diminished.**—All executive and judicial officers of the Government of the United States and of the District of Columbia, all officers and enlisted men of the Army, Navy, Ma-



rine Corps, and Coast Guard of the United States in active service, those connected with the police and fire departments of the United States and of the District of Columbia, counselors and attorneys at law in actual practice \* \* \* shall be exempt from jury duty, and their names shall not be placed on the jury lists.

All other persons, otherwise qualified according to law whether employed in the service of the Government of the United States or of the District of Columbia, all officers and enlisted men of the National Guard of the District of Columbia, both active and retired, all officers and enlisted men of the Military, Naval, Marine, and Coast Guard Reserve Corps of the United States, all notaries public, all postmasters and those who are the recipients or beneficiaries of a pension or other gratuity from the Federal or District Government or who have contracts with the United States or the District of Columbia, shall be qualified to serve as jurors in the District of Columbia and shall not be exempt from such service: *Provided*, That employees of the Government of the United States or of the District of Columbia in active service who are called upon to sit on juries shall not be paid for such jury service but their salary shall not be diminished during their term of service by virtue of such service, nor shall such period in service be deducted from any leave of absence authorized by law. (Mar. 3, 1901, 31 Stat. 1224, ch. 854, § 217; Feb. 18, 1909, 35 Stat. 636, ch. 146, § 73; Aug. 22, 1935, 49 Stat. 682, ch. 605; 11 D. C. Code, 1940 ed. § 11-1420.)

§ 18. **Jurisdiction of Arlington Farm transferred to War Department.**—That the control and jurisdiction of the lands, buildings, and improvements constituting the Arlington Farm, as created by the Act of Congress, approved April 18, 1900 (31 Stat. 135), are hereby transferred from the Secretary of Agriculture to the Secretary of War, to take effect progressively as each area of said farm is turned over by the Secretary of Agriculture to the Secretary of War: *Provided*, That the authority to remove such buildings, improvements, trees, and plants as shall be deemed necessary in order to promote the work of the Department of Agriculture shall remain in the Secretary of Agriculture until the transfer of the area involved is effected. (Nov. 29, 1940, sec. 1, 54 Stat. 1219.)

§ 19. **Same; Secretary of Agriculture authorized to secure new land and equipment.**—There is hereby authorized to be appropriated a sum not to exceed \$3,200,000 to be expended by the Secretary of Agriculture for the acquisition by purchase, condemnation, or donation, of lands to provide a suitable site for the development and reestablishment thereon of the functions and activities of the Arlington Farm, and the construction and installation of such buildings, equipment, and utilities and appurtenances thereto, including the employment of persons and means in the city of Washington and elsewhere, as in the judgment of the Secretary of Agriculture may be necessary. (Nov. 29, 1940; sec. 2, 54 Stat. 1219.)

§ 20. **Secretary of Agriculture authorized to extend lease to Chicago, Milwaukee, and St. Paul Railway Company for ten years.**—That the Secretary of Agriculture be, and he is hereby, au-



thorized, in his discretion, to extend and renew for a term of ten years that certain lease to the Chicago, Milwaukee and Saint Paul Railway Company, bearing date the 26th day of June, 1926, of a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, containing an approximate area of two hundred and forty-one and sixty-seven one-hundredths acres, and also a strip of land for a right-of-way to said tract, executed by the Secretary of Agriculture under the authority of the Act of Congress approved June 9, 1926, upon the terms and conditions contained in said lease, or such other terms and conditions as the Secretary of Agriculture may deem proper; said renewal and extension to inure to the benefit of Chicago, Milwaukee, Saint Paul and Pacific Railroad Company (successor of said railway company), its trustees in bankruptcy, and of the corporation succeeding to the ownership of its railroad and property. (June 25, 1936, 49 Stat. 1922.)

**§ 21. Virgin Islands Homestead Authority; abolished; functions and property transferred to Department of Agriculture.**—The homestead projects established in the Virgin Islands by virtue of the provisions of the Second Deficiency Act, fiscal year 1931 (46 Stat. 1552, 1570), by virtue of the provisions of the Act of April 22, 1932, entitled "An Act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1933, and for other purposes" (47 Stat. 91, 129), by virtue of the provisions of title II of the National Industrial Recovery Act (48 Stat. 195, 200), and by virtue of all other provisions of law relating to such projects are hereby transferred from the jurisdiction and control of the government of the Virgin Islands, Department of the Interior, to the jurisdiction and control of the Department of Agriculture. The Virgin Islands Homestead Authority is hereby abolished and its functions transferred to the Department of Agriculture.

All real and personal property owned or held by the United States in the Virgin Islands and employed exclusively in the prosecution of homestead projects, and all equipment, assets, and records pertaining to homestead projects in the Virgin Islands, including the equipment, assets, and records of the Virgin Islands Homestead Authority, are hereby transferred to the Department of Agriculture.

All valid contracts, sales, transfers, leases, and other transactions heretofore entered into or affected by the government of the Virgin Islands, the Virgin Islands Homestead Authority, the Department of Interior, or any officer or agency of any of the foregoing in connection with homestead projects in the Virgin Islands are hereby continued in full force and effect: *Provided*, That the Secretary of Agriculture, or his designee, may compromise claims and obligations arising under, and adjust and modify the terms of such contracts, as circumstances may require.

The Department of Agriculture is hereby authorized to use for the administration, development, management, and liquidation of the homestead projects in the Virgin Islands transferred to its jurisdiction and control all funds heretofore or hereafter



appropriated, allocated, or otherwise made available to the Department of Agriculture for rural rehabilitation projects and functions of like character to those transferred hereunder. (December 23, 1941, ch. 622, §§ 1-4, 55 Stat. 857.)

**§ 22. Eden water conservation and utility project—Acceptance of reconveyance of certain lands.**—For use in connection with the Eden water conservation and utility project in the State of Wyoming and subject to such terms and conditions as he may prescribe, the Secretary of Agriculture may accept on behalf of the United States the reconveyance of any lands within the Eden project which have been patented to the State of Wyoming pursuant to the provisions of section 4 of the Act of August 18, 1894 (28 Stat. 372, 422, as amended). (June 25, 1941, ch. 251, 55 Stat. 263.)

**§ 23. Eradication of pink bollworm of cotton.**—When any State shall have enacted legislation and taken measures, including the establishment and enforcement of non-cotton zones, adequate, in the opinion of the Secretary of Agriculture, to eradicate the pink bollworm in any area thereof actually infested, or threatened, by such pests, the said Secretary, under regulations to be prescribed by him, is authorized to pay, out of \$2,500,000 hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended in cooperation with the proper authorities of the State concerned in compensating any farmer for his actual and necessary loss due to the enforced nonproduction of cotton within said zones: *Provided*, That no part of the funds herein authorized to be appropriated shall be available for compensation in connection with the establishment of a non-cotton zone in any county unless and until the live pink bollworm is found within such county or within a radius of five miles thereof: *Provided further*, That such loss as to non-cotton zones established by the State of Texas shall be determined as provided for in existing statutes of that State, and similarly by similar statutes which may later be provided by other States concerned, and that in estimating such loss due account shall be taken of the value of other crops which may be produced on said land, so that the loss shall not exceed the difference in return to the farmer from cotton over such other crops: *Provided further*, That such determination of actual and necessary loss shall be subject to the review and approval of the Secretary of Agriculture: *And provided further*, That no reimbursement shall be made with respect to any farmer who has not complied in good faith with all of the quarantine and control regulations prescribed by said Secretary of Agriculture and such State relative to the pink bollworm: *And provided further*, That when a State through action of its legislature or through action of individuals, associations, and/or corporations shall have made guarantees satisfactory to the Secretary of Agriculture that there shall be repaid into the Treasury of the United States one-half of the appropriation for compensation for the crop of 1930, then on the basis of a determination by the Secretary of Agriculture of the actual and necessary losses incident to the enforcement of non-cotton zones the appropriation



herein authorized shall be available only for compensation for the crop of 1930 unless the State in which any non-cotton zone is established shall thereafter appropriate and pay a sum in each year equal to the amount expended in such State by the United States under this authorization. (May 21, 1928, 45 Stat. 688; Feb. 8, 1930, ch. 45, 46 Stat. 67.)

#### LANDS ACQUIRED BY THE DEPARTMENT OF AGRICULTURE

**§ 50. Transfer of lot in Forest Grove, Oregon, to Bureau of Entomology.**—That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to transfer all right, title, and interest in fractional block 6, of Naylor's addition to the city of Forest Grove, in Oregon, to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture. (Nov. 6, 1919, 41 Stat. 349.)

**§ 51. Secretary of Agriculture to have charge of Olmstead lands.**—That the Secretary of Agriculture shall, from and after the passage of this Act, have charge of the several tracts of land in Clay and Graham Counties, North Carolina, known as the Olmstead lands, aggregating approximately thirty-two thousand four hundred and eighty-three acres, being the lands conveyed to the United States by Levi Stevens and wife on March fifteenth, eighteen hundred and sixty-nine, in compromise and settlement of an indebtedness due the United States by E. B. Olmstead. (July 6, 1912, sec. 1, 37 Stat. 189.)

**§ 52. Lands to be subject to provisions of Act March 1, 1911, ch. 186.**—That the said lands shall be subject to such of the provisions of the Act approved March first, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page nine hundred and sixty-one) [16 U. S. C., secs. 552, 563], as apply to lands purchased thereunder. (July 6, 1912, sec. 3, 37 Stat. 189.)

**§ 53. Existing private rights not affected.**—That nothing herein contained shall be construed to affect in any way any private or corporate rights now existing with reference to said lands. (July 6, 1912, § 4, 37 Stat. 189.)

**§ 54. Secretary of Agriculture to adjust claims to Olmstead lands.**—That the Secretary of Agriculture be, and he is hereby, authorized to adjust all claims to the so-called "Olmstead lands" in the State of North Carolina, which were placed under his administrative care by the Act of July 6, 1912 (37 Stat. 189). (June 14, 1934, § 1, 48 Stat. 959.)

**§ 55. Interest of United States to be conveyed by quit claim deed.**—That for the purpose of carrying out the provisions of this Act the Secretary of Agriculture is authorized, upon a finding by him, and approved by the Attorney General, that by reason of long-continued occupancy and use thereof a party is justly entitled to any of said Olmstead lands, to convey by quit-claim deed to such party the interest of the United States therein, or to pay to such party from any appropriation which hereafter may be made to carry out the purpose of the Act of March 1, 1911 (36 Stat. 936), such sum as the Secretary of Agriculture



shall find to be just compensation for the release of the claim of such party to said lands, other claims of title to said Olmstead lands found to be superior to that of the United States may be settled by the Secretary of Agriculture through allowing the removal of timber from the lands claimed in such an amount as he finds equitable and acceptable to the claimant in full satisfaction of his claim, or with the approval of the National Forest Reservation Commission the Secretary of Agriculture may make payment in satisfaction of the claim from funds appropriated for carrying out the provisions of the said Act of March, 1, 1911 (36 Stat. 936.) (June 14, 1934, § 2, 48 Stat. 959.)

**§ 56. Cass Lake, Minn.; acceptance of title to dam on.**—That the Secretary of Agriculture is hereby authorized to accept, on behalf of the United States, title to a dam and appurtenances thereto constructed and hitherto maintained under authority of law by the J. Neils Lumber Company at the outlet of Cass Lake in the State of Minnesota, together with the right of way for the abutment of said dam on lot 2, section 21, township 146 north, range 30 west, fifth principal meridian, and the flowage rights thereon, and to thereafter maintain or reconstruct said dam in good and serviceable condition: *Provided*, That when Lake Winibigoshish is at such a level as to hold Cass Lake at a level of two and five-tenths feet or more on the Cass Lake gauge enough of the dam shall be removed or kept open to permit the passage of boats and logs. (May 22, 1926, § 1, 46 Stat. 618.)

**§ 57. Submerged lands; purchase or compensation.**—That if the maintenance of the dam by the United States as provided in section 1 hereof shall cause any lands in private ownership to be submerged and damaged the Secretary of Agriculture may, in his discretion, acquire title to said lands so submerged, by purchase under the provisions of sections 7 and 8 of the Act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961) [16 U. S. C., secs. 516, 517], or in lieu of such purchase may compensate the owners of said submerged lands for all damages sustained by reason of such submergence upon proper showing of proof that said damages are due exclusively to the maintenance of the dam as authorized herein. (May 22, 1926, § 2, 46 Stat. 618.)

**§ 58. Appropriations.**—That to carry out the purposes of this Act there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, for expenditure during the fiscal year ending June 30, 1927, the sum of \$5,000 and annual appropriations of like sums to carry out the purposes of this Act during the ensuing years are hereby authorized. (May 22, 1926, 44 Stat. 618.)

**§ 59. Marquette National Forest Purchase Unit; Secretary of Commerce authorized to transfer to Department of Agriculture Island Numbered 6.**—The Secretary of Commerce is authorized to transfer to the Department of Agriculture for inclusion within the Marquette National Forest Purchase Unit, Government Island Lighthouse Reservation, otherwise known as "Island Numbered 6", in the Les Cheneaux Group in the north end of Lake Huron, no longer required for lighthouse purposes, containing



an area of approximately two hundred and fourteen and twenty-five one-hundredths acres; reserving a small proportion of the protected water front for construction operations of the Lighthouse Service and right to reoccupy any portion thereof for lighthouse purposes. (May 28, 1935, 49 Stat. 307, ch. 155, § 13.)

**§ 60. Secretary of Commerce authorized to transfer to Department of Agriculture unused portion of Hilton Head Lighthouse Reservation.**—The Secretary of Commerce is authorized to transfer to the Department of Agriculture the unused portion of the Hilton Head Lighthouse Reservation, South Carolina, excepting the light tower and rights of ingress and egress for purposes of maintaining the light in the tower. (May 28, 1935, 49 Stat. 308, ch. 155, § 24.)

**§ 61. Secretary of Agriculture authorized to transfer forest reservation lands in Forrest and Perry Counties, Miss., to Mississippi or War Department.**—That if any of the lands purchased or to be purchased by the United States under the provisions of the Act approved March 1, 1911, as amended (U. S. C., title 16, secs. 513-521, inclusive; Supp. VII, title 16, secs. 513-521, inclusive), within the limits of townships 1, 2, and 3 north, ranges 9, 10, 11, 12 and 13, in Forrest and Perry Counties, State of Mississippi, are determined to be chiefly valuable and necessary for a National Guard encampment and related military purposes, the Secretary of Agriculture, with the consent and approval of the National Forest Reservation Commission established by section 4 of said Act of March 1, 1911, may, and he hereby is, authorized to convey full title to said lands to the State of Mississippi or the War Department of the United States: *Provided*, That there is paid into the Treasury of the United States, or made available by transfer on the books of said Treasury, sums of money equal to the full amounts expended by the Department of Agriculture for the purchase of said lands, and the money so paid into or transferred on the books of the Treasury shall be available for expenditure by the Secretary of Agriculture for the purchase of other lands under the provisions of said Act of March 1, 1911, as amended. (Mar. 2, 1935, 49 Stat. 37, ch. 21.)

**§ 62. Acquisition of sites in Washington, Florida, and Georgia, for plant propagating stations.**—The Secretary of Agriculture is authorized to acquire by gift, devise, or by purchase in fee simple for a sum not to exceed \$1 for each site, the sites now occupied by field stations at Chico, California, consisting of about eighty acres and used for propagating, testing, and distributing new plant introductions; the site at Bellingham, Washington, consisting of about sixty acres and used as a bulb station and for propagating, testing, and distributing new crop plants; and the sites at Buena Vista, Florida, and Savannah, Georgia, consisting of about twenty-five acres and forty-six acres, respectively, and used for propagating, testing, and distributing new crop plants peculiarly adapted to the warmer parts of the United States. (May 31, 1920, 41 Stat. 730.)

**§ 63. Purchase of lands in California for experimental vineyards.**—That the Secretary of Agriculture be, and he is hereby, authorized to purchase and acquire the lands occupied by the de-



partment's experiment vineyards near Fresno and Oakville, California, now maintained under contracts with the owners of said lands: *Provided*, That the land purchased for the Fresno vineyards shall not exceed twenty acres at a cost not to exceed \$12,000 and for the Oakville vineyard not to exceed twenty acres at a cost not to exceed \$15,000. (Mar. 2, 1921, 41 Stat. 1205.)

**§ 64. Transfer of Fort Keogh Military Reservation.**—That the Secretary of War having determined that the lands embraced in the Fort Keogh Military Reservation, in the State of Montana, are no longer needed for military purposes, an Executive order of February 2, 1924, having transferred the said lands to the Department of the Interior for disposition, the said lands are hereby transferred to and placed under the control of the United States Department of Agriculture for use by that department for experiments in stock raising and growing of forage crops in connection therewith: *Provided*, That if the lands are not used for the purpose mentioned herein, or having been used for such purpose, are subsequently abandoned as being no longer needed for such purpose, then, and in that event, the said land shall revert to, and become subject to the control and jurisdiction of the Department of the Interior: *Provided further*, That this transfer shall not affect any existing legal rights to lands in the reservation: *And provided further*, That there shall be excepted from the effect hereof that portion of said reservation described as follows:

A tract beginning at a point which is south eighteen degrees fifteen minutes west from the center of section 33, township 8 north of range 47 east, Montana principal meridian, and distant therefrom one thousand six hundred and sixty feet; thence north thirty-six degrees no minutes west one thousand eight hundred and eighty-five feet; thence north sixty-eight degrees ten minutes east one thousand one hundred and five feet; thence north eighty-eight degrees forty minutes east three hundred and eighty feet; then south fifty-nine degrees five minutes east three hundred and seventy-five feet; thence south twenty-eight degrees thirty-five minutes east three hundred and sixty-five feet; thence south twelve degrees fifty minutes east two hundred and eighty-five feet; thence south fourteen degrees ten minutes west two hundred and fifteen feet; thence south forty degrees twenty-five minutes west three hundred and twenty-five feet; thence south forty-six degrees twenty-five minutes west five hundred and five feet; thence south twenty-nine degrees thirty minutes west three hundred and ninety feet to the point of beginning, containing forty-eight and three-tenths acres, more or less.

Also a tract beginning at a point which is south five degrees thirty minutes west of the center of section 33, township 8 north, range 47 east of Montana principal meridian, and distant therefrom two thousand two hundred and eighty feet; thence south forty-one degrees thirty minutes west one thousand and eighty feet; thence north seventy-three degrees twenty minutes west one thousand nine hundred and twenty-five feet; thence north sixteen degrees forty minutes east two thousand three hundred and seventy-five feet; thence north sixty-eight degrees ten min-



utes east three hundred and forty feet; thence south thirty-five degrees forty-five minutes east two thousand six hundred and fifty-five feet, to the point of beginning, containing ninety-six and one-tenth acres, more or less. (Apr. 15, 1924, 43 Stat. 99.)

**§ 65. Secretary of War authorized to transfer certain military reservations to Secretary of Agriculture.**—That the Secretary of War be, and he is hereby, authorized to transfer to the agencies hereinafter set forth the military reservations hereinafter named, or any portions thereof, upon determination by him that said military reservations, or portions thereof, are no longer needed for military purposes: *Provided*, That in case any of these reservations, or portions thereof, with the exception of the Escambron Tract, Puerto Rico, shall at any future time become surplus to the needs of the agency to which transferred, the head of such agency is hereby directed to transfer the same back to the Secretary of War to be sold under the provisions of the Act of March 12, 1926 (44 Stat. 203): *Provided further*, That in the event the transfer of any of these reservations, or portions thereof, with the exception of the Escambron Tract, Puerto Rico, is not desired by the respective agencies hereinafter set forth, then the Secretary of War, after the expiration of ninety days following the passage of this Act, shall be, and he is hereby, authorized to sell such reservations, or any portions thereof, under the provisions of the foregoing Act of March 12, 1926.

The agencies to which transfers are authorized and the names of the reservations, with the approximate amount of land involved in each instance, authorized to be transferred are as follows:

\* \* \* \* \*

To the Department of Agriculture: Fort DeSoto, Florida, four hundred and forty-nine and twenty-six one-hundredths acres; Fisherman's Island, Virginia, two hundred and twenty-five acres. (Apr. 26, 1938, § 1, 52 Stat. 247.)

#### NATIONAL FORESTS

**§ 100. Mount Rushmore Memorial Act; title.**—That this Act may be cited as the "Mount Rushmore Memorial Act of 1938." (June 15, 1938, § 1, 52 Stat. 694.)

**§ 101. Same; commission created.**—That a commission is hereby created and established, to be known as the Mount Rushmore National Memorial Commission (hereafter referred to as the commission), to consist of twelve members, who shall be appointed by the President. The members shall serve at the pleasure of the President, who shall fill all vacancies that from time to time occur. Any six members of the Commission shall constitute a quorum. No member of the Commission shall receive compensation for his services, but the actual expenses of any member in connection with the work of the Commission may be paid from any appropriations available for the purpose of carrying out the provisions of this Act: *Provided*, That nothing in this section shall be deemed to prohibit the payment to any member of the Commission who may be elected secretary or treasurer of the Commission of such compensation for the



performance of his duties as secretary or treasurer, as may be determined by the Commission. (Feb. 25, 1929, § 1, 45 Stat. 1300; Mar. 4, 1929, 45 Stat. 1627; June 15, 1938, § 2, 52 Stat. 694.)

**§ 102. Same; duties of commission; effect on Department of Agriculture.**—The Commission is authorized—

(a) To designate and describe by metes and bounds an area of not more than fifteen hundred acres of the public lands of the United States within the Harney National Forest, State of South Dakota, immediately surrounding the Mount Rushmore National Memorial. Upon such designation such area is hereby reserved for and declared to be a part of the Mount Rushmore National Memorial, and withdrawn from location or entry under the mining or other laws of the United States. The Commission shall prepare a survey of such area and shall furnish a plat thereof to the Secretary of Agriculture, the Secretary of the Interior, and the United States land office at Pierre, South Dakota: *Provided*, That this Act shall not defeat or affect any vested right under the mining or other laws of the United States and which is hereafter maintained in accordance therewith.

(b) To receive and take over all property, contracts, rights, and moneys heretofore possessed by the Mount Harney Memorial Association, including memoranda, records, sketches, models, and the incompleated figures on Mount Rushmore.

(c) To administer funds appropriated, or obtained by gifts, the acceptance of which is hereby authorized, for the purpose of completing, developing, and maintaining the memorial, and to pay out the same upon properly receipted vouchers to persons entitled thereto.

(d) To employ, without regard to the civil-service laws and the Classification Act of 1923, as amended, such artists, sculptors, landscape architects, and other employees as it shall determine to be necessary to carry out the purposes of this Act.

(e) To administer, protect, and develop the memorial.

(f) To exercise such other powers and functions, including the promulgation of such rules and regulations, as may be necessary and proper to carry out the purposes of this Act. (Feb. 25, 1929, § 4, 45 Stat. 1300; Mar. 4, 1929, 45 Stat. 1627; June 15, 1938, § 2, 52 Stat. 694.)

**§ 105. Purchase of lands within Uinta and Wasatch National Forests to facilitate soil erosion and flood control.**—The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Uinta and Wasatch National Forests, in the State of Utah, which in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forests, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired; all lands so acquired there-



**control.**—The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the San Bernardino and Cleveland National Forests, in the county of Riverside, State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from those proportions of the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forests which are equal to the proportions of the net areas of said national forests situated in the county of Riverside, State of California, which receipts are hereby authorized to be appropriated for expenditure for that purpose until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said Act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended, but any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated, for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts: *Provided further*, That the amounts to which the county of Riverside would otherwise be entitled under section 500 of title 16 of the United States Code shall be reduced by the amounts by which payments to the State for distribution to counties under that section are reduced pursuant to the above proviso. (June 15, 1938, 52 Stat. 699; May 26, 1944, ch. 204, § 3, Pub. Law 310, 78th Congress.)

**§ 108. Purchase of lands within Nevada and Toiyabe National Forests authorized to facilitate soil erosion and flood control.**—The Secretary of Agriculture is hereby authorized to acquire by purchase any lands within the boundaries of the Nevada and Toiyabe National Forests in the State of Nevada which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage or promote efficiency and economy of administration, and to pay for said lands from the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forests, which receipts are hereby authorized to be appropriated for that purpose to the extent of amounts not exceeding \$10,000 per annum until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said Act of March 1, 1911 (16 U. S. C. 519,



520, 521), as amended; *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts. (June 25, 1938, 52 Stat. 1205; May 26, 1944, ch. 204, § 4, Pub. Law 310, 78th Congress.)

§ 109. **Purchase of lands, or interests therein, within the Ozark and Ouachita National Forests, Arkansas, authorized to facilitate soil erosion and flood control.**—That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission, established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Ozark and Ouachita National Forests, in the State of Arkansas, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interests therein, from the receipts from the sale of natural resources other than mineral or occupancy of public land within the Ozark National Forest and that part of the Ouachita National Forest situated in the State of Arkansas, not to exceed one-half of which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: *Provided*, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such parts of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts. (Mar. 1, 1911, §§ 4, 5, 36 Stat. 962; Mar. 5, 1940, 54 Stat. 46.)

§ 110. **Control of soil erosion and flood damage originating in Cleveland National Forest authorized.**—That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission, established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands or interests therein, within the boundaries of the Cleveland National Forest in the county of San Diego, State of California, which in his judgment should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interests therein, from those proportions of the entire receipts from the occupancy of public land or the sale of natural resources other than mineral, within the Cleveland National Forest, which are equal to the proportion of the net areas of said forest which are within the county of San Diego, State of Cali-



after to be subject to and administered under the laws applicable to lands acquired under the provisions of said Act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of Title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Nothing contained in this Act, however, shall diminish payments to or expenditures within the State of Wyoming under the provisions of said sections; and any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts. (Aug. 26, 1935, 49 Stat. 866; May 26, 1944, ch. 204, § 1, Pub. Law 310, 78th Congress.)

**§ 106. Purchase of lands within Cache National Forest authorized to facilitate soil erosion and flood control.**—The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Cache National Forest in the State of Utah which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States to minimize soil erosion and flood damage; and to pay for said lands from that proportion of the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forest which is equal to that proportion of the gross area of said national forest situated in the State of Utah which receipts are hereby authorized to be appropriated for expenditure for that purpose until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said Act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Nothing contained in this Act, however, shall diminish payments to or expenditures within the State of Idaho under the provisions of said sections; and any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts. (May 11, 1938, 52 Stat. 347; May 26, 1944, ch. 204, § 2, Pub. Law 310, 78th Congress.)

**§ 107. Purchase of lands within San Bernardino and Cleveland National Forests authorized to facilitate soil erosion and flood**



for that purpose until said lands have been acquired: *Provided*, That as to the receipts used in the manner herein authorized the provisions of the Act approved May 23, 1908 (U. S. C., title 16, sec. 500), shall not be applicable to said county of San Diego: *Provided, further*, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such part of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts. (June 11, 1940, 54 Stat. 297.)

**§ 111. Control of soil erosion and flood damage originating within Angeles National Forest authorized.**—That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Angeles National Forest, in the State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interests therein, from the entire receipts from occupancy of public land or from the sale of natural resources other than mineral, within the Angeles National Forest, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: *Provided*, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such part of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts. (June 11, 1940, 54 Stat. 299.)

**§ 112. Control of soil erosion and flood damage within the Sequoia National Forest authorized.**—That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Sequoia National Forest, in the State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interest therein, from the entire receipts from the occupancy of public land or the sale of national resources, other than mineral, within the Sequoia National Forest, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: *Provided*, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such part of the entire receipts



of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts. (June 17, 1940, 54 Stat. 402.)

**§ 113. Water supply of Petersburg, Alaska, to be protected; land to be reserved.**—That the tract of land hereinafter described situated in the Tongass National Forest in the Territory of Alaska, is hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or nonmineral land laws of the United States, and set aside as a municipal water-supply reserve for the use and benefit of the people of the town of Petersburg, a municipal corporation of the Territory of Alaska as follows, to wit: Beginning at corner numbered 1, from which the quarter section corner between sections 2 and 3, township 59 south, range 79 east, Copper River meridian, bears west forty chains; thence along the top of a divide south fourteen degrees west one hundred and twenty-three and twenty one-hundredths chains to corner numbered 2, at the place where a side ridge intersects the main divide; thence along the top of the main divide south fifty-two degrees east ninety-three and sixty one-hundredths chains to corner numbered 3, located on top of a prominent unnamed peak from which the southeast corner of section 14 township 59 south, range 79 east, bears south nineteen degrees west twenty-four chains; thence along top of divide north fifty degrees east thirty-two chains to corner numbered 4 at junction of ridge, extending northeasterly; thence along top ridge north thirteen degrees east one hundred and sixty chains to corner numbered 5; thence west forty-eight chains to intake dam on unnamed creek from which the town of Petersburg draws its domestic water supply; thence west fifty-eight and forty one-hundredths chains to the place of beginning, containing one thousand six hundred and twenty-seven acres. (Oct. 17, 1940, § 1, 54 Stat. 1197.)

**§ 114. Same; Secretary of Agriculture to administer for purpose of conservation and use of water supply.**—The lands hereinbefore described and reserved for municipal water-supply purposes, which are within the Tongass National Forest, shall be administered by the Secretary of Agriculture, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands, to more fully accomplish such purposes; and to that end said municipality shall have the right, subject to the approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes: *Provided*, That the merchantable timber on the land to be used by the said municipality may be sold by the Secretary of Agriculture under rules and regulations to be prescribed by him: *And provided further*, That the right to use by the town of Petersburg of the lands reserved by this Act shall terminate upon the abandonment of the use by such municipality in accordance with the terms of this Act, and upon a finding of such nonuse or abandonment, for a period of two years, by the Secretary of Agriculture,



whereupon the reservation created by this Act shall terminate to the extent of such lands involved. (Oct. 17, 1940, § 2, 54 Stat. 1198.)

**§ 115. Same; rules and regulations.**—The Secretary of Agriculture is hereby authorized to prescribe and enforce such regulations as may be found necessary to carry out the purpose of this Act, including the right to forbid persons other than those authorized by him and the municipal authorities of said municipal corporation from entering or otherwise trespassing upon these lands, and any violation of this Act or of regulations issued thereunder shall be a misdemeanor and shall be punishable as is provided for in section 5050, Compiled Laws of Alaska, 1933. (Oct. 17, 1940, § 3, 54 Stat. 1198.)

**§ 116. Same; existing land claims of United States not affected.**—Nothing herein contained shall affect any valid right or claim to any part of said lands heretofore acquired under any law of the United States. (Oct. 17, 1940, § 4, 54 Stat. 1198.)

**§ 117. Forest products laboratory, Wisconsin; Secretary of Agriculture authorized to accept title to land for.**—That the Secretary of Agriculture is hereby authorized to accept, on behalf of the United States, from the regents of the University of Wisconsin, a donation by deed of conveyance satisfactory to the United States of such tract or tracts of land as in his judgment may be suitable as a site for a building or buildings for the forest products laboratory, and to pay from the appropriation herein authorized all costs incident to examining, transferring, and perfecting title to said land: *Provided*, That the deed of conveyance may provide for a reversion of title to the University of Wisconsin if and when the United States no longer uses said land for the purpose of a forest products laboratory, and upon such reversion the United States shall have a reasonable time within which to remove or otherwise dispose of the buildings and other improvements constructed by it on said lands. (Apr. 15, 1930, § 1, 46 Stat. 167.)

**§ 118. Same; Secretary of Agriculture authorized to construct building.**—The Secretary of Agriculture is hereby authorized to cause to be planned, by contract or otherwise, and to construct at Madison, Wisconsin, on said land, such fireproof building or buildings as in his judgment may be suitable for the use of the forest products laboratory of the Forest Service, with modern equipment for laboratory tests and experiments, including the moving and installation of existing equipment and the purchase and installation of necessary new equipment, the making of steam, sewer, water, gas, electrical, and other connections, and the construction of such railway sidings, roadways, sidewalks, and approaches as may be required. (Apr. 15, 1930, § 2, 46 Stat. 167.)

**§ 119. Appropriation.**—For the purpose of carrying out the provisions of this Act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$900,000. (Apr. 15, 1930, § 3, 46 Stat. 167.)



## APPROPRIATION ACTS

**§ 200. Department of Agriculture Appropriation Act, 1945.—**The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture for the fiscal year ending June 30, 1945, namely:

## DEPARTMENT OF AGRICULTURE

## OFFICE OF THE SECRETARY

## SALARIES AND EXPENSES

For the Secretary of Agriculture, hereafter in this Act referred to as the Secretary, and other personal services in the Office of the Secretary in the District of Columbia, and elsewhere, and other necessary expenses, including the purchase of one and the maintenance, repair, and operation of four motor-propelled passenger-carrying vehicles; travel expenses, including examination of estimates for appropriations in the field; stationery, supplies, materials, and equipment; freight, express, and drayage charges; advertising, communication service, postage, washing towels, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, which are authorized by such officer as the Secretary may designate, \$1,700,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the fiscal year 1945 for such services and expenses, which several amounts or portions thereof as may be determined by the Secretary, not exceeding a total of \$187,390, shall be transferred to and made a part of this appropriation: *Provided, however,* That if the total amounts of such appropriations or authorizations for the fiscal year 1945 shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for 1945, the amounts transferred or to be transferred therefrom to this appropriation shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department of Agriculture, hereafter in this Act referred to as the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further,* That the Secretary is authorized to contract for stenographic reporting services, and the appropriations made in this Act shall be available for such purposes, and to expend from appropriations available for the purchase of lands not to exceed \$1 for each option to purchase any particular tract or tracts of land: *Provided further,* That with the approval of the Secretary, employees of the Department stationed abroad may enter into leases for official quarters, for periods not exceeding one year, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of their offices and the discharge of their duties, in advance, in any foreign country where custom or practice requires payment in advance: *Provided further,* That no part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department



who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast, except as to damage threatened or caused by insects and pests, with respect to future prices of cotton or the trend of same: *Provided further*, That, except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

#### OFFICE OF THE SOLICITOR

For necessary expenses for the Office of Solicitor including personal services in the District of Columbia and elsewhere, purchase of lawbooks, books of reference, and periodicals, and payment of fees or dues for the use of law libraries by attorneys in the field service, \$1,930,632, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the fiscal year 1945 for such expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$340,000, shall be transferred to and made a part of this appropriation; and there may be expended for personal services in the District of Columbia not to exceed \$1,063,000: *Provided, however*, That if the total amounts of such appropriations or authorizations for the fiscal year 1945 shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for 1945, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations.

#### OFFICE OF INFORMATION

##### SALARIES AND EXPENSES

For necessary expenses in connection with the publication, indexing, illustration, and distribution of bulletins, documents, and reports, the preparation, distribution, and display of agricultural motion and sound pictures, and exhibits, and the coordination of informational work in the Department, \$506,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the fiscal year 1945 for such expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$251,179, shall be transferred to and made a part of this appropriation, of which total appropriation amounts not exceeding those specified may be used for the purposes enumerated as follows: For personal services in the District of Columbia, \$587,955; for preparation and display of exhibits, \$46,625 and the preparation,



distribution, and display of motion and sound pictures, \$59,500, including cooperation with Federal, State, county, municipal, and other agencies: *Provided, however,* That if the total amounts of the appropriations or authorizations for the fiscal year 1945 from which transfers to this appropriation are herein authorized shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for 1945, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further,* That when and to the extent that in the judgment of the Secretary agricultural exhibits and motion and sound pictures relating to the authorized programs of the various agencies of the Department can be more advantageously prepared, displayed, or distributed by the Office of Information, as the central agency of the Department therefor, additional funds not exceeding \$300,000 for these purposes may be transferred to and made a part of this appropriation, from the funds applicable, and shall be available for the objects specified herein, including personal services in the District of Columbia: *Provided further,* That in the preparation of motion pictures or exhibits by the Department, not exceeding a total of \$10,000 may be used for the temporary employment, by contract or otherwise, of specialists, technicians, and experts, without regard to the Classification Act of 1923, as amended: *Provided,* That no part of this appropriation shall be used for the establishment or maintenance of regional or State field offices or for the compensation of employees in such offices except that not to exceed \$13,900 may be used to maintain the San Francisco radio office.

#### PRINTING AND BINDING

For all printing and binding for the Department, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, except as otherwise in this Act provided, \$1,100,000, including the purchase of reprints of scientific and technical articles published in periodicals and journals; the Annual Report of the Secretary, as required by the Acts of January 12, 1895 (44 U. S. C. 111, 212-220, 222, 241, 244), March 4, 1915 (7 U. S. C. 418), and June 20, 1936 (5 U. S. C. 108), and in pursuance of the Act approved March 30, 1906 (44 U. S. C. 214, 224), also including not to exceed \$250,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct, but not including work done at the field printing plants of the Forest Service authorized by the Joint Committee on Printing, in accordance with the Act approved March 1, 1919 (44 U. S. C. 111, 220): *Provided,* That



the Secretary may transfer to this appropriation from the appropriation made for "Conservation and Use of Agricultural Land Resources" such sums as may be necessary for printing and binding in connection with marketing quotas under the Agricultural Adjustment Act of 1938, and from funds appropriated to carry into effect the terms of section 32 of the Act of August 24, 1935 (7 U. S. C. 612c), as amended, such sums as may be necessary for printing and binding in connection with the activities under said section 32, and from funds appropriated for "Salaries and expenses, War Food Administration", such sums as may be necessary for printing and binding in connection with functions assigned to the Office of Information by the War Food Administrator: *Provided further*, That the total amount that may be transferred under the authority granted in the preceding proviso shall not exceed \$385,000.

#### LIBRARY, DEPARTMENT OF AGRICULTURE

Salaries and expenses: For purchase and exchange of reference books, lawbooks, technical and scientific books, periodicals, and for expenses incurred in completing imperfect series; not to exceed \$1,200 for newspapers; for dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; for salaries in the city of Washington and elsewhere; for official travel expenses, and for library fixtures, library cards, supplies, and for all other necessary expenses, \$543,233, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the fiscal year 1945 for such salaries and expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$750, shall be transferred to and made a part of this appropriation, of which total appropriation not to exceed \$369,070, may be expended for personal services in the District of Columbia: *Provided, however*, That if the total amounts of such appropriations or authorizations for the fiscal year 1945 shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for 1945, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further*, That the Secretary is authorized to make copies of bibliographies prepared by the Department library, micro-film and other photographic reproductions of books and other library materials in the Department and sell such bibliographies and reproductions at such prices (not less than estimated cost of furnishing same) as he may determine, the money received from such sales to be deposited in the Treasury to the credit of this appropriation.



## BUREAU OF AGRICULTURAL ECONOMICS

For the employment of persons and means in the District of Columbia and elsewhere, either independently or in cooperation with public agencies or organizations, including not to exceed \$2,160,552 for personal services in the District of Columbia, including the salary of Chief of Bureau at \$10,000 per annum, and not to exceed \$1,000 for the purchase of books of reference, periodicals, and newspapers, as follows:

**Economic investigations:** For acquiring and diffusing useful information among the people of the United States, for conducting investigations, experiments, and demonstrations, and for aiding in formulating programs for authorized activities of the Department, relative to agricultural production, distribution, land utilization, and conservation in their broadest aspects, including farm management and practice, utilization of farm and food products, purchasing of farm supplies, farm population and rural life, farm labor, farm finance, insurance and taxation, adjustments in production to probable demand for the different farm and food products; land ownership and values, costs, prices and income in their relation to agriculture, including causes for their variations and trends, \$2,375,236, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the fiscal year 1945 for such salaries and expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$245,377 shall be transferred to and made a part of this appropriation: *Provided, however,* That if the total amounts of such appropriations or authorizations for the fiscal year 1945 shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for 1945, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further,* That no part of the funds herein appropriated or made available to the Bureau of Agricultural Economics shall be used for State and county land-use planning.

**Crop and livestock estimates:** For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and livestock estimates, acreage, yield, grades, staples of cotton, stocks, and value of farm crops and numbers, grades, and value of livestock and livestock products on farms, in cooperation with the Extension Service and other Federal, State, and local agencies, and for the collection and publication of statistics of peanuts as provided by the Act approved June 24, 1936, as amended May 12, 1938 (7 U. S. C. 951-957), \$1,500,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the fiscal year 1945 for such salaries and expenses, which several amounts or portions thereof, as may



be determined by the Secretary, not exceeding a total of \$175,000, shall be transferred to and made a part of this appropriation: *Provided, however,* That if the total amounts of such appropriations or authorizations for the fiscal year 1945 shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for 1945, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further,* That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intention of farmers as to the acreage to be planted in cotton: *Provided further,* That estimates of apple production shall be confined to the commercial crop.

#### OFFICE OF FOREIGN AGRICULTURAL RELATIONS

Salaries and expenses: For carrying out the functions of the Secretary under the Act of June 5, 1930, as amended (7 U. S. C. 541-545), independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations and persons engaged in the production, transportation, marketing, and distribution of farm and food products, and for enabling the Secretary to discharge his functions as a member of the joint Great Britain-United States board known as the Combined Food Board, including the employment of persons and means in the District of Columbia and elsewhere, and the purchase of such books and periodicals and not to exceed \$500 for newspapers as may be necessary in connection with this work, \$481,505.

#### INTERNATIONAL PRODUCTION CONTROL COMMITTEES

Not to exceed \$12,500 may be expended from the appropriations "Salaries and expenses, Agricultural Adjustment Administration" and "Sugar Act" for the share of the United States as a member of the International Wheat Advisory Committee, the International Sugar Council, or like events or bodies concerned with the reduction of agricultural surpluses or with other objectives of said appropriations, together with traveling and other necessary expenses relating thereto.

#### EXTENSION SERVICE

##### PAYMENTS TO STATES; HAWAII; ALASKA; AND PUERTO RICO

For payments to the States, Hawaii, Alaska, and Puerto Rico for cooperative agricultural extension work as follows:

Capper-Ketcham, Bankhead-Jones, and related Acts: Capper-Ketcham Act, the Act approved May 22, 1928 (7 U. S. C. 343a, 343b), \$1,480,000; Bankhead-Jones Act, section 21, title II, of the Act approved June 29, 1935 (7 U. S. C. 343c), \$12,000,000; addi-



tional extension work, the Act approved April 24, 1939 (53 Stat. 589), \$555,000; Alaska, the Act approved February 23, 1929 (7 U. S. C. 386c), extending the benefits of the Smith-Lever Act to the Territory of Alaska, \$13,950, and section 3 of the Act approved June 20, 1936 (7 U. S. C. 343e), extending the benefits of the Capper-Ketcham Act to the Territory of Alaska, \$10,000, in all, for Alaska, \$23,950; Puerto Rico, the Act approved August 28, 1937 (7 U. S. C. 343f-343g) extending the benefits of section 21 of the Bankhead-Jones Act to Puerto Rico, \$140,000; in all, Capper-Ketcham, Bankhead-Jones, and related Acts, \$14,198,950.

#### SALARIES AND EXPENSES

Administration and coordination of extension work: For the employment of persons and means in the District of Columbia and elsewhere to enable the Secretary to administer the provisions of the Smith-Lever Act, approved May 8, 1914 (7 U. S. C. 341-348), and Acts amendatory or supplementary thereto, and to coordinate the extension work of the Department and the several States, Territories, and insular possessions, including cooperation with other bureaus and offices of the Department, and Federal, State, county, and other agencies, in the development, preparation, and distribution of educational material designed to increase the effectiveness of cooperative extension work as conducted by the Department in cooperation with land-grant colleges, \$748,843, of which amount not to exceed \$632,610 may be expended for personal services in the District of Columbia.

#### AGRICULTURAL RESEARCH ADMINISTRATION

##### OFFICE OF ADMINISTRATOR

Salaries and expenses: For necessary salaries and expenses of the Office of Administrator, including the salary of the Administrator at \$9,200 per annum, and personal services in the District of Columbia and elsewhere, \$136,656.

#### SPECIAL RESEARCH FUND, DEPARTMENT OF AGRICULTURE

For enabling the Secretary to carry into effect the provisions of an Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935 (7 U. S. C. 427, 427b, 427c, 427f); for administration of the provisions of section 5 of the said Act, and for special research work, including the planning, programming, coordination, and printing the results of such research, to be conducted by such agencies of the Department as the Secretary may designate or establish, and to which he may make allotments from this fund, including the employment of persons and means in the District of Columbia and elsewhere, \$1,226,364, of which amount \$742,315 shall be available for the maintenance and operation of research laboratories and facilities in the major agricultural regions provided for by section 4 of said Act.



## OFFICE OF EXPERIMENT STATIONS

## PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO

For payments to the States, Hawaii, Alaska, and Puerto Rico to be paid quarterly in advance, to carry into effect the provisions of the following Acts relating to agricultural experiment stations:

Hatch, Adams, Purnell, Bankhead-Jones, and related Acts: Hatch Act, the Act approved March 2, 1887 (7 U. S. C. 362, 363, 365, 368, 377-379), \$720,000; Adams Act, the Act approved March 16, 1906 (7 U. S. C. 369), \$720,000; Purnell Act, the Act approved February 24, 1925 (7 U. S. C. 361, 366, 370, 371, 373-376, 380, 382), \$2,880,000; Bankhead-Jones Act, title I of the Act approved June 29, 1935 (7 U. S. C. 427-427g), \$2,463,708; Hawaii, the Act approved May 16, 1928 (7 U. S. C. 386-386b), extending the benefits of certain Acts of Congress to the Territory of Hawaii, \$90,000; Alaska, the Act approved February 23, 1929 (7 U. S. C. 386c), extending the benefits of the Hatch Act to the Territory of Alaska, \$15,000, and the provisions of section 2 of the Act approved June 20, 1936 (7 U. S. C. 369a), extending the benefits of the Adams and Purnell Acts to the Territory of Alaska, \$22,500; in all, for Alaska, \$37,500; Puerto Rico, the Act approved March 4, 1931, as amended (7 U. S. C. 386d-386f), extending the benefits of certain Acts of Congress to Puerto Rico, \$90,000; in all, payments to States, Hawaii, Alaska, and Puerto Rico, \$7,001,208: *Provided*, That in order to prevent reduced allotments because of changes in relative rural population, \$63,708 of the appropriation in this paragraph under the Bankhead-Jones Act shall be available for allotment during this fiscal year in the same amounts and to the same States and Territory which received allotments from this appropriation in the fiscal year 1942.

## SALARIES AND EXPENSES

Administration of grants and coordination of research with States: For salaries and expenses, including personal services in the District of Columbia, necessary to enable the Secretary to enforce the provisions of the Acts approved March 2, 1887, March 16, 1906, February 24, 1925, May 16, 1928, February 23, 1929, March 4, 1931, and June 20, 1936 and Acts amendatory thereto (7 U. S. C. 361-363 365-383, 386-386f), relative to their administration and for the administration of an agricultural experiment station in Puerto Rico, \$176,169, of which not to exceed \$166,122 may be expended for personal services in the District of Columbia; and the Secretary shall prescribe the form of the annual financial statement required under the above Acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the research work of the State agricultural colleges and experiment stations in the lines authorized in said Acts with research of the Department in similar lines, and make report thereon to Congress.

Federal Experiment Station, Puerto Rico: To enable the Secretary to establish and maintain an agricultural experiment station in Puerto Rico, including the preparation, illustration, and distribution of reports and bulletins, and not to exceed \$8,000 for the



erection and alteration of buildings, \$107,074; and the Secretary is authorized to sell such products as are obtained on the land belonging to the agricultural experiment station in Puerto Rico, and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts.

## BUREAU OF ANIMAL INDUSTRY

### SALARIES AND EXPENSES

For the employment of persons and means in the District of Columbia and elsewhere, including not to exceed \$712,955 for departmental personal services in the District of Columbia, for carrying out the provisions of the Act, as amended, establishing a Bureau of Animal Industry, and related Acts; and the Secretary, upon application of any exporter, importer, packer, or owner of, or the agent thereof, or dealer in, livestock, hides, skins, meat, or other animal products, may in his discretion, make inspections and examinations at places other than the headquarters of inspectors for the convenience of said applicants and charge the applicants for the expenses of travel and subsistence incurred for such inspections and examinations, the funds derived from such charges to be deposited in the Treasury of the United States to the credit of the appropriation from which the expenses are paid; collect and disseminate information concerning livestock and animal products; prepare and disseminate reports on animal industry; purchase in the open market samples of all tuberculin, serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, test the same, and disseminate the results of said tests in such manner as he may deem best, and purchase and destroy diseased or exposed animals, including poultry, or quarantine the same whenever in his judgment essential to prevent the spread of pleuropneumonia, tuberculosis, contagious poultry diseases, or other diseases of animals from one State to another, as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of Chief of Bureau and other personal services in the District of Columbia, \$195,379.

Animal husbandry: For investigations and experiments in animal husbandry and animal and poultry feeding and breeding, including cooperation with the State agricultural experiment stations and other agencies, including repairs and additions to and erection of buildings necessary to carry on the experiments (not to exceed \$5,000 for the erection or alteration of any one building, \$899,500.

Diseases of animals: For scientific investigations of diseases of animals, including the alteration and construction of necessary buildings at Beltsville, Maryland (not to exceed \$5,000 for the erection or alteration of any one building), and necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, \$756,939: *Provided*, That fees shall be charged for all diagnoses in connection with rabies, except those performed



for agencies of the United States Government, in such amounts as the Secretary shall prescribe, and such fees shall be covered into the Treasury as miscellaneous receipts.

**Eradicating tuberculosis and Bang's disease:** For the control and eradication of the diseases of tuberculosis and paratuberculosis of animals, avian tuberculosis, and Bang's disease of cattle, \$5,433,232, together with not to exceed \$343,959 of the unobligated balance of the appropriation for the fiscal year 1944: *Provided*, That in carrying out the purpose of this appropriation, if in the opinion of the Secretary it shall be necessary to condemn and destroy tuberculous or paratuberculous cattle, or cattle reacting to the test for Bang's disease, and if such animals have been destroyed, condemned, or die after condemnation, he may, in his discretion, and in accordance with such rules and regulations as he may prescribe, expend in the city of Washington or elsewhere such sums as he shall determine to be necessary for the payment of indemnities to owners of such animals but, except as hereinafter provided, no part of the money hereby appropriated shall be used in compensating owners of such cattle except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of such cattle shall take place, nor shall any payment be made hereunder as compensation for or on account of any such animal if at the time of inspection or test, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person, firm, or corporation to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated no payment as compensation for any cattle condemned for slaughter shall exceed one-third of the difference between the appraised value of such cattle and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, and municipality where the animal shall be condemned; and that in no case shall any payment hereunder be more than \$25 for any grade animal or more than \$50 for any purebred animal.

**Hog-cholera control:** For the control and eradication of hog cholera and related swine diseases, by such means as may be necessary, including demonstrations, the formation of organizations, and other methods, either independently or in cooperation with farmers' associations, State or county authorities, \$115,440.

**Inspection and quarantine:** For inspection and quarantine work, including the eradication of southern cattle ticks, scabies in sheep and cattle, and dourine in horses, the inspection of southern cattle, the supervision of the transportation of livestock, and the inspection of vessels, the execution of the twenty-eight-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and repairs, alterations, improvements, or additions to buildings thereon; the inspection work relative to the existence of contagious diseases, and the mallein testing of animals, \$1,003,130.

**Meat inspection:** For carrying out the provisions of laws relating to Federal inspection of meat and meat food products, including the purchase of printed tags, labels, stamps, and cer-



tificates without regard to existing laws applicable to public printing, \$9,359,124.

**Virus Serum Toxin Act:** For carrying out the provisions of the Act approved March 4, 1913 (21 U. S. C. 151-158), regulating the preparation, sale, barter, exchange, or shipment of any virus, serum, toxin, or analogous product manufactured in the United States and the importation of such products intended for use in the treatment of domestic animals, \$279,228.

**Marketing agreements with respect to hog cholera virus and serum:** The sum of \$38,444 of the appropriation made by section 12 (a) of the Agricultural Adjustment Act, approved May 12, 1933, is hereby made available during the fiscal year for which appropriations are herein made to carry into effect sections 56 to 60, inclusive, of the Act approved August 24, 1935 (7 U. S. C. 851-855), entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", including the employment of persons and means in the District of Columbia and elsewhere.

#### ERADICATION OF FOOT-AND-MOUTH AND OTHER CONTAGIOUS DISEASES OF ANIMALS

In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, which, in the opinion of the Secretary, threatens the livestock industry of the country, he may expend in the city of Washington or elsewhere any unexpended balances of appropriations heretofore made for this purpose, not to exceed \$305,000, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and, except in case of an extraordinary emergency, to be determined by the Secretary, the payment by the United States Government for any animals shall not exceed one-half of any such appraisements: *Provided further*, That the sum of \$5,000 of the unexpended balance of the appropriation of \$3,500,000 contained in the Second Deficiency Appropriation Act, fiscal year 1924, approved December 5, 1924, for the eradication of the foot-and-mouth disease and other contagious or infectious diseases of animals, is hereby made available during the fiscal year for which appropriations are herein made to enable the Secretary to control and eradicate the European fowl pest and similar diseases in poultry.

#### BUREAU OF DAIRY INDUSTRY

**Salaries and expenses:** For necessary expenses, including not to exceed \$410,345 for personal services in the District of Columbia, of the Bureau of Dairy Industry in carrying out the provisions



of the Act of May 29, 1924 (7 U. S. C. 401-404), including investigations, experiments, and demonstrations in dairy industry, cooperative investigations of the dairy industry in the various States, for carrying out the applicable provisions of the Acts of May 9, 1902 (26 U. S. C. 2325, 2326 (c), 2327 (b)), and August 10, 1912 (26 U. S. C. 2327 (c)), relating to process or renovated butter, and the Act of May 23, 1908 (21 U. S. C. 94 (a)), insofar as it relates to the exportation of process or renovated butter, repairs to buildings, and not to exceed \$10,000 for the construction or alteration of buildings, \$812,958.

## BUREAU OF PLANT INDUSTRY, SOILS AND AGRICULTURAL ENGINEERING

### SALARIES AND EXPENSES

For the investigation of fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries, of soils and soil-plant relationships, and of the application of engineering principles to agriculture, in cooperation with other branches of the Department, the State experiment stations, and practical farmers; for the erection or alteration of necessary farm buildings and buildings at the National Arboretum: *Provided*, That the cost of erecting any one building, except head houses connecting greenhouses, shall not exceed \$2,500, and the cost of alterations to any one building shall not exceed \$500 or 2 per centum of the cost of the building as certified by the Secretary, whichever is greater, but in no event to exceed \$2,500; and for the employment of persons and means in the city of Washington and elsewhere required for the investigations, experiments, and demonstrations herein authorized, as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of Chief of Bureau and other personal services in the District of Columbia, \$225,000.

Agricultural engineering investigations: For investigations, experiments, and demonstrations involving the application of engineering principles to agriculture; for investigating and reporting upon the different kinds of farm power and appliances; upon farm domestic water supply and sewage disposal, upon the design and construction of farm buildings and their appurtenances and of buildings for processing and storing farm products; upon farm power and mechanical farm equipment and rural electrification, upon the engineering problems relating to the processing, transportation, and storage of perishable and other agricultural products; and upon the engineering problems involved in adapting physical characteristics of farm land to the use of modern farm machinery; for investigations of cotton ginning under the Act approved April 19, 1930 (7 U. S. C. 424, 425); for giving expert advice and assistance in agricultural and chemical engineering; for collating, reporting, and illustrating the results of investigations and preparing, publishing, and distributing bulletins, plans, and reports, \$353,639, of which (notwithstanding the above limitation upon buildings) not to exceed \$10,000 may be expended



for the construction of a building at the Houma (Louisiana) station.

**Cereal crops and diseases:** For the investigation and improvement of cereals, including corn, and methods of cereal production and for the study and control of cereal diseases, for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, for the investigation and improvement of broomcorn and methods of broomcorn production, and for determining the distribution of weeds and means for their control, \$650,524.

**Cotton and other fiber crops and diseases:** For investigation of the production of cotton and other fiber crops, including the improvement by cultural methods, breeding, and selection, fiber yield and quality, cotton, soil-fertility, and the control of diseases, \$456,702, of which sum not less than \$14,700 shall be used for experimenting in Sea Island cotton, including its hybridization with other varieties.

**Drug and related plants:** For the investigation, testing, and improvement of plants yielding drugs, spices, poisons, oils, and related products and byproducts, \$70,308.

**Dry-land agriculture:** For the investigation and improvement of methods of crop production under subhumid, semiarid, or dry-land conditions, \$257,563: *Provided*, That no part of this appropriation shall be used for the establishment of any new field station.

**Forage crops and diseases:** For the investigation and improvement of forage crops, including grasses, alfalfas, clovers, soybeans, lespedezas, vetches, cowpeas, field peas, and miscellaneous legumes; for the investigation of green-manure crops and cover crops; for investigations looking to the improvement of pastures; and for the investigation of forage-crop diseases and methods of control \$237,837.

**Forest pathology:** For the investigation of diseases of forest and shade trees and forest products, including a study of the nature and habits of the parasitic fungi, bacteria, viruses, and other causes of such diseases, for the purpose of developing methods of control and eradication and determining their application, \$255,300.

**Fruit and vegetable crops and diseases:** For investigation and control of diseases, for improvement of methods of culture, propagation, breeding, selection, and related activities concerned with the production of fruits, nuts, vegetables, ornamentals, and related plants, for investigation of methods of harvesting, packing, shipping, storing and utilizing these products, and for studies of the physiological and related changes of such products during processes of marketing and while in commercial storage, \$1,463,877.

**Irrigation agriculture:** For investigations of crop production on irrigable lands, the quality of irrigation water and its use by crops, and methods for improving and maintaining the productivity of irrigated soils, \$145,000.

**National Arboretum:** For the maintenance and development of the National Arboretum established under the provisions of the Act entitled "An Act authorizing the Secretary of Agriculture to



establish a National Arboretum, and for other purposes", approved March 4, 1927 (20 U. S. C. 191-194), employment of persons and means in the city of Washington and elsewhere, and travel expenses of employees and advisory council, \$31,500, of which not to exceed \$2,500 may be expended by contract or otherwise for the services of consulting landscape architects without reference to the Classification Act of 1923, as amended, or civil-service rules.

Plant exploration, introduction, and surveys: For investigations in seed and plant introduction, including the study, collection, purchase, testing, propagation, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries and from our possessions, and also wild native plants, for experiments with reference to their introduction and cultivation in this country, for plant-disease investigations, including nematology, and for plant and plant-disease collections and surveys, \$298,913.

Plant Industry Experiment Farm: For the maintenance of a general experiment farm and agricultural station in the vicinity of Beltsville, Maryland, \$56,976.

Soil and fertilizer investigations: For soil and fertilizer investigations, including soil minerals, soil organic matter, soil solution, soil physical and chemical investigations, soil microbiology, including the testing of cultures procured in the open market for inoculating legumes, other crops, or soil, and if any such samples are found to be impure, nonviable, or misbranded, the results of the tests may be published, together with the names of the manufacturers and of the persons by whom the cultures were offered for sale; for investigations of the causes of soil infertility and the maintenance of soil productivity; and for investigations within the United States of fertilizers, fertilizer ingredients, including phosphoric acid and potash, and other soil amendments, and their suitability for agricultural use, \$346,791.

Soil survey: For the investigation of soils and their origin, for survey of the extent of classes and types, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations and surveys, \$162,582.

Sugar-plant investigations: For sugar-plant investigations, including studies of diseases and the improvement of sugar beets and sugar-beet seed, sugarcane, and other sugar-producing plants, cultural and production methods, and the improvements and maintenance of soil fertility in relation to sugar plants, \$370,000.

Tobacco investigations: For the investigation and improvement of tobacco and the methods of tobacco production and handling, \$143,520.

## BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

### SALARIES AND EXPENSES

For necessary expenses connected with investigations, experiments, and demonstrations for the promotion of economic entomology, for investigating and ascertaining the best means of destroying insects and related pests injurious to agriculture, for investigating and importing useful and beneficial insects and



bacterial, fungal, and other diseases of insects and related pests, for investigating and ascertaining the best means of destroying insects affecting man and animals, to enable the Secretary to carry into effect the provisions of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 146, 147, 151-167, 281, 282), to conduct other activities hereinafter authorized, and for the eradication, control, and prevention of spread of injurious insects and plant pests, independently or in cooperation with other branches of the Federal Government, States, counties, municipalities, corporations, agencies, individuals, or with foreign governments; including the employment of necessary persons and means in the District of Columbia and elsewhere, of which not to exceed \$633,886 may be expended for personal services in the District of Columbia, rent, construction, alteration, or repair of necessary buildings outside the District of Columbia: *Provided*, That, unless otherwise specifically provided, the cost for the construction or alteration of any building shall not exceed \$1,500 and the total amount expended for such construction in any one year shall not exceed \$7,000, as follows:

General administrative expenses: For general administrative purposes, including the salary of Chief of Bureau and other personal services, \$160,920.

Fruit insects: For insects affecting fruits, grapes, and nuts, \$457,230.

Japanese beetle control: For the control and prevention of spread of the Japanese beetle, \$400,000: *Provided*, That no part of this appropriation shall be used to pay the cost or value of trees or other property injured or destroyed.

Sweetpotato weevil control: For the determination and application of such methods of control for sweetpotato weevils as, in the judgment of the Secretary, may be necessary, \$78,670: *Provided*, That in the discretion of the Secretary, no part of this appropriation shall be expended for the control of sweetpotato weevil in any State until such State has provided cooperation necessary to accomplish this purpose: *Provided further*, That no part of this appropriation shall be used to pay the cost or value of farm animals, farm crops, or other property injured or destroyed.

Mexican fruitfly control: For the control and prevention of spread of the Mexican fruitfly, including necessary surveys and control operations in Mexico in cooperation with the Mexican Government or local Mexican authorities, \$169,820.

Gypsy and brown-tail moth control: For the control and prevention of spread of the gypsy and brown-tail moths, \$409,320.

Dutch elm disease control: For determining and applying methods of control and prevention of spread of the disease of elm trees known as "Dutch elm disease" and of a virus disease of elm trees prevalent in the Ohio Valley, \$300,000, to be immediately available: *Provided*, That, in the discretion of the Secretary, no expenditures from this appropriation shall be made for applying methods of control of the Dutch elm disease in any State where measures for the removal and destruction of trees on non-Federal lands suffering from the Dutch elm disease are not in force, provided such removal and destruction are deemed essential or appro-



priate for the carrying on of the control program, nor until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals, or organizations concerned: *Provided further*, That expenditures incurred for removal of trees from non-Federal lands shall not be considered a part of such appropriations, subscriptions, or contributions: *Provided further*, That no part of this appropriation shall be expended for the removal and destruction of trees infected with the Dutch elm disease except where such trees are located on property owned or controlled by the Government of the United States, or on property included within local experimental control areas: *Provided further*, That no part of this appropriation shall be used to pay the cost or value of trees or other property injured or destroyed.

Phony peach and peach mosaic eradication: For determining and applying such methods of eradication, control, and prevention of spread of the diseases of peach trees known as "phony peach" and "peach mosaic" as in the judgment of the Secretary may be necessary, including cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, including the certification of products out of the infested areas to meet the requirements of State quarantines, \$99,340: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Forest insects: For insects affecting forests and forest products, under section 4 of the Act approved May 22, 1928 (16 U. S. C. 581c), entitled "An Act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects", and for insects affecting ornamental trees and shrubs, \$202,000.

Truck crop and garden insects: For insects affecting truck crops, ornamental and garden plants, including tobacco, sugar beets, and greenhouse and bulbous crops, \$326,340.

Cereal and forage insects: For insects affecting cereal and forage crops, including sugarcane and rice, and including research on the European corn borer, \$403,370.

Barberry eradication: For the eradication of the common barberry and for applying such other methods of eradication, control, and prevention of spread of cereal rusts as in the judgment of the Secretary may be necessary to accomplish such purposes, \$283,470: *Provided*, That, in the discretion of the Secretary, no expenditures from this appropriation shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by States, counties, or local authorities, or by individuals or organizations for the accomplishment of such purposes: *Provided further*, That no part of



the money herein appropriated shall be used to pay the cost or value of property injured or destroyed.

Cotton insects: For insects affecting cotton, \$163,730.

Pink bollworm and *Thurberia* weevil control: For the control and prevention of spread of the *Thurberia* weevil and the pink bollworm, including the establishment of such cotton-free areas as may be necessary to stamp out any infestation, and for necessary surveys and control operations in Mexico in cooperation with the Mexican Government or local Mexican authorities, \$738,960.

Bee culture: For bee culture, apiary management, and the propagation and distribution by sale of surplus bee-breeding stock, \$91,950: *Provided*, That the rates at which such sales are made shall be fixed by regulations of the Secretary and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

Insects affecting man and animals: For insects affecting man, household possessions, and animals, \$175,000.

Insect-pest survey and identification: For the identification and classification of insects, including taxonomic, morphological, and related phases of insect-pest control and the maintenance of an insect-pest survey for the collection and dissemination of information to Federal, State, and other agencies concerned with insect-pest control, \$145,000.

Foreign parasites: For administrative expenses in connection with the introduction of natural enemies of injurious insects and related pests and for the exchange with other countries of useful and beneficial insects and other arthropods, \$25,000.

Control investigations: For developing equipment or apparatus to aid in enforcing plant quarantines, eradication and control of plant pests, determining methods of disinfecting plants and plant products to eliminate injurious pests, determining the toxicity of insecticides, and related phases of insect-pest control, \$76,485, of which not less than \$10,000 shall be used for methyl bromide investigations.

Insecticide and fungicide investigations: For the investigation and development of methods of manufacturing insecticides and fungicides, and for investigating chemical problems relating to the composition, action, and application of insecticides and fungicides, \$130,520.

Transit inspection: For the inspection in transit or otherwise of articles quarantined under the Act of August 20, 1912 (7 U. S. C. 161, 164a), as amended, and for the interception and disposition of materials found to have been transported interstate in violation of quarantines promulgated thereunder, \$45,900.

Foreign plant quarantines: For enforcement of foreign plant quarantines, at the port of entry and port of export, and to prevent the movement of cotton and cottonseed from Mexico into the United States, including the regulation of the entry into the United States of railway cars and other vehicles, and freight, express, baggage, or other materials from Mexico, and the inspection, cleaning, and disinfection thereof, including construction and repair of necessary buildings, plants, and equipment, for the fumigation, disinfection, or cleaning of products, railway cars, or



other vehicles entering the United States from Mexico, \$797,700: *Provided*, That any moneys received in payment of charges fixed by the Secretary on account of such cleaning and disinfection shall be covered into the Treasury as miscellaneous receipts.

Certification of exports: For the inspection, under such rules and regulations as the Secretary may prescribe, of domestic plants and plant products when offered for export and to certify to shippers and interested parties as to the freedom of such products from injurious plant diseases and insect pests according to the sanitary requirements of the foreign countries affected and to make such reasonable charges and to use such means as may be necessary to accomplish this object, \$34,480: *Provided*, That moneys received on account of such inspection and certification shall be covered into the Treasury as miscellaneous receipts.

#### CONTROL OF INCIPIENT AND EMERGENCY OUTBREAKS OF INSECT PESTS AND PLANT DISEASES

Control of incipient and emergency outbreaks of insect pests and plant diseases: To enable the Secretary to carry out the provisions of and for expenditures authorized by the joint resolution approved May 9, 1938 (7 U. S. C. 148-148e), including surveys and control operations in Canada in cooperation with the Canadian Government or local Canadian authorities, and the employment of Canadian citizens, \$2,700,000.

#### BUREAU OF AGRICULTURAL AND INDUSTRIAL CHEMISTRY

##### SALARIES AND EXPENSES

For investigations, experiments, and demonstrations hereinafter authorized, independently or in cooperation with other branches of the Department, other departments or agencies of the Federal Government, States, State agricultural experiment stations, universities, and other State agencies and institutions, counties, municipalities, business, farm, or other organizations and corporations, individuals, associations, and scientific societies, including the employment of necessary persons and means in the city of Washington and elsewhere, of which not to exceed \$198,280 may be expended for personal services in the District of Columbia; and for erection, alteration, and repair of buildings outside the District of Columbia: *Provided*, That the cost of erecting any one building shall not exceed \$7,500, and the cost of alterations to any one building shall not exceed \$500 or 2 per centum of the cost of the building as certified by the Secretary, whichever is greater, as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of Chief of Bureau and other personal services in the District of Columbia, \$82,250.

Agricultural chemical investigations: For conducting the investigations contemplated by the Act of May 15, 1862 (5 U. S. C. 511, 512), relating to the application of chemistry to agriculture; for the biological, chemical, physical, microscopical, and technological investigation of foods, feeds, drugs, plant and animal



products, and substances used in the manufacture thereof; for investigations of the physiological effects and for the pharmacological testing of such products and of insecticides; for the investigation and development of methods for the manufacture of sugars, sugar sirups, and starches and the utilization of new agricultural materials for such purposes; for the technological investigation of the utilization of fruits and vegetables and for frozen pack investigations; and to cooperate with associations and scientific societies in the development of methods of analysis, \$313,411.

Naval-stores investigations: For the investigation of naval stores (turpentine and rosin) and their components; the investigation and experimental demonstration of improved equipment, methods, or processes of preparing naval stores; the weighing, storing, handling, transportation, and utilization of naval stores; and for the assembling and compilation of data on production, distribution, and consumption of turpentine and rosin, pursuant to the Act of August 15, 1935 (5 U. S. C. 556b), \$112,100.

Regional research laboratories: For continuing the researches established under the provisions of section 202 (a) to 202 (e), inclusive, of title II, and subject to the provisions of section 393 of title III, of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1292, 1393), including research on food products of farm commodities \$4,244,600.

#### BUREAU OF HUMAN NUTRITION AND HOME ECONOMICS

Salaries and expenses: For necessary expenses, including not to exceed \$290,400 for personal services in the District of Columbia, of the Bureau of Human Nutrition and Home Economics for conducting either independently or in cooperation with other agencies, investigations of the relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes, and such economic investigations, including housing and household buying, as have for their purpose the improvement of the rural home, and for disseminating useful information on this subject, \$806,630.

#### BELTSVILLE RESEARCH CENTER

For general administrative purposes, including maintenance, operation, construction or alteration of necessary buildings at a cost of not to exceed \$7,500, repairs, and other expenses, \$130,760: *Provided*, That the appropriation current at the time services are rendered may be reimbursed (by advance credits or reimbursements based on estimated or actual charges) from applicable appropriations, to cover the charges, including handling and other related services, for equipment rentals (including depreciation, maintenance, and repairs); for services, supplies, equipment and materials furnished, stores of which may be maintained at the Center, and for building construction, alteration, and repair performed by the Center in carrying out the purposes of such applicable appropriations and the applicable appropriations may



also be charged their proportionate share of the necessary general expenses of the Center not covered by this appropriation.

#### WHITE PINE BLISTER RUST CONTROL

For expenses necessary to enable the Secretary to carry out the purposes of the Act entitled "An Act for forest protection against the white pine blister rust", approved April 26, 1940 (16 U. S. C. 594a), and in accordance with the provisions thereof, including the employment of persons and means in the District of Columbia and elsewhere, \$2,264,026; of which amount \$203,173 shall be available to the Department of the Interior for control of white pine blister rust on or endangering Federal lands under the jurisdiction of that Department or lands of Indian tribes which are under the jurisdiction of or retained under restrictions of the United States; \$1,219,900 of said amount to the Forest Service for the control of white pine blister rust on or endangering lands under its jurisdiction; and \$840,953 of said amount to the Bureau of Entomology and Plant Quarantine for leadership and general coordination of the entire program, method development, and for operations conducted under its direction for such control, including, but not confined to, cooperation with individual States, local authorities and private agencies in the control of white pine blister rust on or endangering State and privately owned lands.

#### FOREST SERVICE

##### SALARIES AND EXPENSES

For the employment of persons and means in the District of Columbia and elsewhere, including not to exceed \$951,611 for departmental personal services in the District of Columbia, and to enable the Secretary to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water-supply or sanitary system and of connecting the same with any such building, and exclusive of the cost of any tower upon which a lookout house may be erected, shall not exceed \$7,500, with the exception that any building erected, purchased, or acquired, the cost of which was \$7,500 or more, may be improved out of the appropriations made under this Act for the Forest Service by an amount not to exceed 2 per centum of the cost of such building as certified by the Secretary; to protect, administer, and improve the national forests, including tree planting and other measures to prevent erosion, drift, surface wash, soil waste, and the formation of floods, and to conserve water and including the payment of rewards under regulations of



the Secretary for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property; to ascertain the natural conditions upon and utilize the national forests, to transport and care for fish and game supplied to stock the national forests or the waters therein; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase law-books, reference and technical books, and technical journals for officers of the Forest Service stationed outside of Washington, and for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service: *Provided further*, That not to exceed \$1,500 may be expended for the contribution of the United States to the cost of the office of the secretariat of the International Union of Forest Research Stations and of the Department of Timber Utilization of the Comité International du Bois: *Provided further*, That the appropriations for the work of the Forest Service shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, equipment, and materials stored therein for distribution to projects under the supervision of the Forest Service and for sale and distribution to other Government activities and to State and private agencies who cooperate with the Forest Service in fire control under terms of written cooperative agreements, the cost of such supplies, equipment, and materials, including the cost of supervision, transportation, warehousing, and handling, to be reimbursed to appropriations current at the time additional supplies and materials are procured for warehouse stocks: *Provided further*, That the appropriations for the work of the Forest Service available for the operation, repair, maintenance, and replacement of motor and other equipment may be reimbursed for use of such equipment on projects of the Forest Service chargeable to other appropriations, or on work of other Federal agencies, when requested by such agencies, reimbursement to be made from appropriations applicable to the work on which used at rental rates fixed by the Chief Forester based on the actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control, and credited to appropriations currently available at the time adjustment is effected: *Provided further*, That the Forest Service may rent equipment for fire-control purposes to State, county, private, or other non-Federal agencies cooperating with the Forest Service in fire control under the terms of written cooperative agreements, the amount collected for such rental to be credited to appropriations currently available at the time payment is received, as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the Chief Forester at \$9,200 per annum, for the necessary expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U. S. C. 514), and for other personal services in the District of Columbia, \$625,000.



National forest protection and management: For the administration, protection, use, maintenance, improvement, and development of the national forests, including the establishment and maintenance of forest tree nurseries, including the procurement of tree seed and nursery stock by purchase, production, or otherwise, seeding and tree planting and the care of plantations and young growth; the maintenance and operation of aerial fire control by contract or otherwise, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising; the maintenance of roads and trails and the construction and maintenance of all other improvements necessary for the proper and economical administration, protection, development, and use of the national forests, including experimental areas under Forest Service administration, except that where, in the opinion of the Secretary, direct purchases will be more economical than construction, improvements may be purchased; the construction (not to exceed \$10,000 for any one structure), equipment, and maintenance of sanitary and recreational facilities; control of destructive forest tree diseases and insects; timber cultural operations; development and application of fish and game management plans; propagation and transplanting of plants suitable for planting on semiarid portions of the national forests; estimating and appraising of timber and other resources and development and application of plans for their effective management, sale, and use; acceptance of moneys from timber purchasers for deposit into the Treasury in the trust account, Forest Service Cooperative Fund, which moneys are hereby appropriated and made available until expended for scaling services requested by purchasers in addition to those required by the Forest Service, and for refunds of amounts deposited in excess of the cost of such work; examination, classification, surveying, and appraisal of land incident to effecting exchanges authorized by law and of lands within the boundaries of the national forests that may be opened to homestead settlement and entry under the Act of June 11, 1906, and the Act of August 10, 1912 (16 U. S. C. 506-509), as provided by the Act of March 4, 1913 (16 U. S. C. 512); investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-ways for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests; and all expenses necessary for the use, maintenance, improvement, protection, and general administration of the national forests, including lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under the Act of March, 1, 1911 (16 U. S. C. 521), and the Act of June 7, 1924 (16 U. S. C. 471, 499, 505, 564-570), lands transferred by authority of the Secretary from the Resettlement Administration to the Forest Service, and lands transferred to the First Service under authority of the Bankhead-Jones Farm Tenant Act, \$17,729,426: *Provided*, That this appropriation shall be available for the expenses of properly caring for the graves of persons who have lost their lives as a result of fighting fires while employed by the Forest Service: *Provided further*, That in sales of logs, ties, poles, posts,



cordwood, pulpwood, and other forest products the amounts made available for schools and roads by the Act of May 23, 1908 (16 U. S. C. 500), and the Act of March 4, 1913 (16 U. S. C. 501), shall be based upon the stumpage value of the timber.

**Fighting forest fires:** For fighting and preventing forest fires on or threatening lands under Forest Service administration, including lands under contract for purchase or in process of condemnation for Forest Service purposes, and unappropriated public forest lands, \$100,000, which amount shall also be available for meeting obligations of the preceding fiscal year.

**Forest research:** For forest research in accordance with the provisions of sections 1, 2, 7, 8, 9, and 10 of the Act entitled "An Act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects", approved May 22, 1928, as amended (16 U. S. C. 581, 581a, 581f-581i), as follows:

**Forest management:** Fire, silvicultural, and other forest investigations and experiments under said section 2, as amended, at forest experiment stations or elsewhere, \$506,348.

**Range investigations:** Investigations and experiments to develop improved methods of management of forest and other ranges under section 7, at forest or range experiment stations or elsewhere, \$288,475.

**Forest products:** Experiments, investigations, and tests of forest products under section 8, at the Forest Products Laboratory, or elsewhere, \$1,147,519.

**Forest survey:** A comprehensive forest survey under section 9, \$156,246.

**Forest economics:** Investigations in forest economics under section 10, \$84,018.

**Forest influences:** For investigations and experiments at forest experiment stations or elsewhere for determining and demonstrating the influence of natural vegetative cover characteristic of forest, range, or other wild land on water conservation, flood control, stream-flow regulation, erosion, climate, and maintenance of soil productivity, and for developing preventive and control measures therefor, \$86,762.

#### FOREST-FIRE COOPERATION

For cooperation with the various States or other appropriate agencies in forest-fire prevention and suppression and the protection of timbered and cut-over lands in accordance with the provisions of sections 1, 2, and 3 of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other



purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor", approved June 7, 1924, as amended (16 U. S. C. 564-570), \$6,300,000, of which not to exceed \$71,000 and \$5,000 shall be available for personal services and for the purchase of supplies and equipment, respectively, in the District of Columbia: *Provided*, That the Secretary may authorize expenditures not to exceed \$1,000,000 from this appropriation for preventing and suppressing forest fires on extremely critical areas of national importance without requiring an equal expenditure by the State and private owners.

#### FARM AND OTHER PRIVATE FORESTRY COOPERATION

To enable the Secretary (1) to carry into effect, through such agencies of the Department as he may designate, the provisions of the Cooperative Farm Forestry Act, approved May 18, 1937 (16 U. S. C. 568b), (not to exceed \$532,038) and the provisions of sections 4 (not to exceed \$83,700) and 5 (not to exceed \$65,728), of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor", approved June 7, 1924 (16 U. S. C. 567-568), and Acts supplementary thereto; and (2) through the Forest Service to cooperate with and advise timberland owners and associations, wood-using industries or other appropriate agencies in the application of forest management principles to federally owned lands leased to States and to private forest lands, so as to attain sustained-yield management, the conservation of the timber resources, the productivity of forest lands, and the stabilization of employment and economic continuance of forest industries, not to exceed \$100,000; in all, not to exceed \$781,466, of which not to exceed \$50,958 may be expended for personal services in the District of Columbia; the purchase of reference books and technical journals; not to exceed \$30,000 for the construction, alteration, or purchase of necessary buildings, and other improvements: *Provided*, That no part of this appropriation which is available for carrying out the Cooperative Farm Forestry Act and sections 4 and 5 of the Act approved June 7, 1924, shall be expended in any State or Territory unless the State or Territory, or local subdivision thereof, or individuals, or associations contribute a sum equal to that to be allotted therefrom by the Government or make contributions other than money deemed by the Secretary to be the value equivalent thereof: *Provided further*, That any part of this appropriation allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years: *Provided further*, That in carrying into effect the provisions of the Cooperative Farm Forestry Act, no part of this appropriation shall be used to establish new nurseries or to acquire land for the establishment of such new nurseries.



## ACQUISITION OF LANDS FOR NATIONAL FORESTS

For the acquisition of forest lands under the provisions of the Act approved March 1, 1911, as amended (16 U. S. C. 513-519, 521), \$75,000, of which not to exceed \$20,030 may be expended for personal services in the District of Columbia.

## FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (23 U. S. C. 23), and for the construction, reconstruction, and maintenance of roads and trails on experimental areas under Forest Service administration, including not to exceed \$70,000 for personal services in the District of Columbia, \$4,161,496 for forest development roads and trails, to be immediately available and to remain available until expended: *Provided*, That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings necessary for the storage and repair of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased, altered, or constructed under this authorization shall not exceed \$7,500.

## EMERGENCY RUBBER PROJECT

For all expenses necessary to enable the Secretary to carry into effect the Act of March 5, 1942, as amended (7 U. S. C. 171-175), including personal services in the District of Columbia and elsewhere; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); purchase of books of reference and periodicals; purchase of passenger-carrying vehicles; erection of necessary buildings; procurement of medical supplies or services for emergency use in the field; and the acceptance of donations of land and rubber-bearing plants, and furnishing to employees daily transportation between points of assembly and work projects, there is hereby continued available, in accordance with section 3 of said Act of March 5, 1942, not to exceed \$3,020,985 of the unobligated balances of appropriations made under this head for the fiscal years 1942 and 1943, which balances shall be merged with the appropriation made under this head in the Department of Agriculture Appropriation Act, 1944: *Provided*, That any proceeds from the sales of guayule, rubber processed from guayule, or other rubber-bearing plants, or from other sales, rentals, and fees resulting from operations under such Act of March 5, 1942, as amended, shall be covered into the Treasury as miscellaneous receipts.

## WAR FOOD ADMINISTRATION

Salaries and expenses: For expenses necessary to enable the War Food Administration to perform its functions, including those prescribed by Executive Orders 9280, 9310, 9322, 9328, and 9334, independently or in cooperation (by transfer of funds or otherwise) with public and private agencies and individuals, other personal services in the District of Columbia and else-



where in accordance with the provision of law applicable to the appointment and compensation of persons employed by the Agricultural Adjustment Agency, including not to exceed \$50,000 for the temporary employment of persons or organizations by contract or otherwise without regard to the Classification Act of 1923, as amended; actual transportation and other necessary expenses, and not to exceed \$10 per diem in lieu of subsistence, of persons serving while away from their permanent homes in an advisory capacity to or employed by the War Food Administration, without other compensation from the United States, except that such expenditures shall not exceed \$200,000; upon authorization or approval of the War Food Administrator, travel expenses to and from their homes or regular places of business in accordance with the Standardized Government Travel Regulations, not to exceed \$20,000, including travel in privately owned automobiles, of persons employed intermittently away from their homes or regular places of business as consultants and receiving compensation on a per diem when actually employed basis; printing and binding; the purchase of lawbooks, books of reference, periodicals, and not to exceed \$800 for newspapers; and the purchase, operation, and maintenance (including two in the District of Columbia) of passenger-carrying vehicles; \$30,700,000: *Provided*, That the applicable appropriations available to the War Food Administration, current at the time services are rendered or payment therefor is received, may be reimbursed by nongovernmental agencies or foreign governments (by advance credits or reimbursements) for the actual or estimated costs, as determined by the War Food Administration, incident to procuring agricultural commodities for such nongovernmental agencies or foreign governments: *Provided further*, That none of the funds herein appropriated shall be used for the promulgation or execution of orders under which assessments are made against producers or handlers of agricultural products, excepting walnuts, for administration of such orders: *Provided further*, That no part of this appropriation shall be used for agricultural wage stabilization with respect to any commodity unless a majority of the producers of such commodity within the area affected have requested the intervention of the Administrator of the War Food Administration.

#### COMMODITY CREDIT CORPORATION

Salaries and administrative expenses: Not to exceed \$7,208,526 of the funds of the Commodity Credit Corporation shall be available for administrative expenses of the Corporation in carrying out its activities as authorized by law, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; lawbooks and books of reference; not to exceed \$400 for periodicals, maps, and newspapers; procurement of supplies, equipment, and services; rent in the District of Columbia; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including legal



and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That none of the fund made available by this paragraph shall be obligated or expended unless and until an appropriate appropriation account shall have been established therefor pursuant to an appropriation warrant or a covering warrant, and all such expenditures shall be accounted for and audited in accordance with the Budget and Accounting Act of 1921, as amended: *Provided further*, That none of the fund made available by this paragraph shall be used for administrative expenses connected with the sale of Government-owned or Government-controlled stocks of farm commodities at less than parity price as defined by the Agricultural Adjustment Act of 1938 or the comparable price as provided by section 4 (a) of the Act of July 1, 1941, as amended (15 U. S. C. 713a-8); and the method that is now used for the purposes of Commodity Credit Corporation loans for determining the parity price or its equivalent for  $\frac{7}{8}$ -inch middling cotton at the average location used in fixing the base loan rate for cotton shall also be used for determining the parity price for  $\frac{7}{8}$ -inch middling cotton at such average location for the purposes of this proviso: *Provided further*, That the foregoing shall not apply to the sale or other disposition of any agricultural commodity substantially deteriorated in quality (or in the case of perishable fruits and vegetables if there is danger of deterioration or of accumulation of stocks) or sold for the purpose of feeding, or the extraction or peanut oil, or commodities sold to farmers for seed or for new or byproduct uses: *Provided further*, That no wheat or corn shall be sold for feed at a price less than the parity price of corn at the time such sale is made: *Provided further*, That in making regional adjustments in the sale price of corn or wheat in the minimum price need not be higher in any area than the United States average parity price of corn.

#### CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES

For all expenses necessary to enable the Secretary to carry into effect the provisions of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U. S. C. 590g-590q), and the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281-1407) (except the provisions of sections 201, 202, 303, 381, and 383 and the provisions of titles IV and V), including personal services in the District of Columbia and elsewhere; not to exceed \$6,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States; purchase of lawbooks, books of reference, periodicals, \$290,000,000, to remain available until December 31, 1945, for compliance with programs under



said provisions of the Agricultural Adjustment Act of 1938, as amended, and the Act of February 29, 1936, as amended, pursuant to the provisions of the 1944 programs carried out during the period July 1, 1943, to December 31, 1944, inclusive, and, in addition, \$12,500,000 for making additional payments on an acreage and pound basis for harvesting seeds of grasses and legumes determined by the War Food Administrator to be necessary for an adequate supply of such seeds: *Provided*, That, excepting the foregoing item of \$12,500,000, no part of said appropriation or of any other appropriation in this Act shall be used for incentive or production adjustment payments, except for soil-conservation and water-conservation payments and payment of acreage allotment commitments on commodities as defined in the Agricultural Adjustment Act of 1938, as amended, and as enumerated and set forth in the "1944 Agricultural Conservation Program" bulletin, dated February 9, 1944: *Provided further*, That not to exceed \$24,250,000 of said amount shall be available until June 30, 1945, for salaries and other administrative expenses for carrying out such programs; but not more than \$7,917,360 of the \$8,667,360 provided in the schedule in the Budget hereunder for 1945 for transfer to the appropriation account, "Administrative expenses, Agricultural Adjustment Agency", shall be so transferred: *Provided further*, That none of the funds herein appropriated or made available for the functions assigned to the Agricultural Adjustment Agency pursuant to the Executive Order (No. 9069) of February 23, 1942, shall be used to pay the salaries or expenses of any regional information employees or any State or county information employees, but this shall not preclude the answering of inquiries or supplying of information to individual farmers: *Provided further*, That such amount shall be available for salaries and other administrative expenses in connection with the formulation and administration of the 1945 programs of soil-building practices and soil-and water-conservation practices, under the Act of February 29, 1936, and programs under the Agricultural Adjustment Act of 1938, as amended, the total expenditures of which, including administration, shall not exceed \$300,000,000, including the value of seeds, fertilizers, and other conservation materials remaining on hand at the close of the 1944 program and to be used as grants under the 1945 program; but the payments or grants under such program shall be conditioned upon the utilization of land with respect to which such payments or grants are to be made, in conformity with farming practices which will encourage and provide for soil-building and soil-and-water-conserving practices in the most practical and effective manner and adapted to conditions in the several States, as determined and approved by the State Committee of the Agricultural Adjustment Agency for the respective States: *Provided further*, That no part of such amounts shall be available after June 30, 1945, for salaries and other administrative expenses except for payment of obligations therefor incurred prior to July 1, 1945: *Provided further*, That the Secretary may, in his discretion, from time to time transfer to the General Accounting Office such sums as may be necessary to pay administrative expenses of the General Accounting Office



in auditing payments under this item: *Provided further*, That such amount shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary in the 1944, 1945, and 1946 programs under said Act of February 29, 1936, as amended; for the reimbursement of any Federal, State, or local government agency for such materials, or services, and for the payment of all expenses necessary in making such grants, including all or part of the costs incident to the delivery thereof: *Provided further*, That notwithstanding any other provision of law, persons who in 1944 carry out farming operations as tenants or sharecroppers on cropland owned by the United States Government and who comply with the terms and conditions of the 1944 agricultural conservation program, formulated pursuant to sections 7 to 17, inclusive, of said Act of February 29, 1936, shall be entitled to apply for and receive payments for their participation in said program to the same extent as other producers: *Provided further*, That the War Food Administrator is authorized and directed to make payments on Irish potatoes and commercial truck crops for fresh consumption under the 1943 Agricultural Conservation Program with respect to any farm if the War Food Administration determines that the producer would have been eligible for such payments except for the failure of such producer, because of negligence of an officer or agent of the Federal Government, to file on or before June 30, 1943, Form ACP-140, and such payments shall be made out of funds appropriated for the purposes of section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (49 Stat. 774): *Provided further*, That no part of any funds available to the Department of Agriculture, the War Food Administration, or any bureau, office, corporation, or other agency constituting a part of such Department or Administration shall be used in the fiscal year 1945 for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of section 6 of the Act of July 11, 1919 (18 U. S. C. 201), to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels: *Provided further*, That none of the funds appropriated in this Act for the War Food Administration or any of its constituent agencies shall be paid out for the salary, per diem allowance, or expenses of any person after it is determined by the War Food Administrator that such person has, personally or by letter, demanded that a farmer join the triple A program as a condition of draft deferment or for the granting of a priority certificate for any rationed article or commodity. Hearings on charges filed with the War



Food Administrator shall be held and decision made within thirty days after such charges are filed with him.

### FEDERAL CROP INSURANCE ACT

Administrative and operating expenses: For operating and administrative expenses under the Federal Crop Insurance Act, approved February 16, 1938, as amended (7 U. S. C. 1501-1518), including the employment of persons and means in the District of Columbia and elsewhere, printing and binding, purchase of lawbooks, books of reference, and periodicals, there is hereby reappropriated not to exceed \$350,000 of the unobligated balance of the appropriation made for this purpose for the fiscal year ending June 30, 1944: *Provided*, That no part of this appropriation shall be used for or in connection with the insurance of wheat and cotton crops planted subsequent to July 31, 1943, or for any other purpose except in connection with the liquidation of insurance contracts on the wheat and cotton crops planted prior to July 31, 1943.

### SOIL CONSERVATION SERVICE

To carry out the provisions of an Act entitled "An Act to provide for the protection of land resources against soil erosion, and for other purposes", approved April 27, 1935 (16 U. S. C. 590a-590f), which provides for a national program of erosion control and soil and moisture conservation to be carried out directly and in cooperation with other agencies, including the employment of persons and means in the District of Columbia and elsewhere, but not to exceed \$1,089,837 may be expended for personal services in the District of Columbia, purchase of books and periodicals, maintenance, repair, and operation of one passenger-carrying automobile in the District of Columbia, furnishing of subsistence to employees, training of employees, and the purchase and erection or alteration of permanent buildings: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same with any such building, shall not exceed \$2,500 except where buildings are acquired in conjunction with land being purchased for other purposes and except for eight buildings to be constructed at a cost not to exceed \$15,000 per building: *Provided further*, That no money appropriated in this Act shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That during the fiscal year for which appropriations are herein made the appropriations for the work of the Soil Conservation Service shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Soil Conservation Service and for sale and distribution to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured from the



appropriations chargeable with the cost or value of such supplies, materials, or equipment: *Provided further*, That in the State of Missouri where the State has established a central State agency authorized to enter into agreements with the United States or any of its agencies on policies and general programs for the saving of its soil by the extension of Federal aid to any soil conservation district in such State, the agreements made by or on behalf of the United States with any such soil conservation district shall have the prior approval of such central State agency before they shall become effective as to such district, as follows:

Soil conservation research: For research and investigations into the character, cause, extent, history, and effects of erosion, soil and moisture depletion and methods of soil and moisture conservation (including the construction and hydrologic phases of farm irrigation and land drainage); and for construction, operation, and maintenance of experimental watersheds, stations, laboratories, plots, and installations, \$1,225,000.

Soil conservation operations: For carrying out preventive measures to conserve soil and moisture, including such special measures as may be necessary to prevent floods and the siltation of reservoirs, and including the improvement of farm irrigation and land drainage, the establishment and operation of erosion nurseries, the making of conservation plans and surveys, and the dissemination of information, \$28,340,000: *Provided*, That no part of this appropriation may be expended for soil and water conservation operations in demonstration projects: *Provided further*, That any part of this appropriation allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years.

Erosion control, Everglades region, Florida: For research and demonstration work in soil conservation control measures, including research and demonstration work in fire control and irrigation construction work to eliminate fire hazards, in the Everglades region of Florida, \$72,248: *Provided*, That no expenditures shall be made for these purposes until a sum at least equal to such expenditures shall have been made available by the State of Florida, or a political subdivision thereof, for the same purposes.

#### LAND UTILIZATION AND RETIREMENT OF SUBMARGINAL LAND

To enable the Secretary to carry out the provisions of title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1010-1013), including the employment of persons and means in the District of Columbia and elsewhere, \$1,250,000.

#### EXPORTATION AND DOMESTIC CONSUMPTION OF AGRICULTURAL COMMODITIES

Not exceeding \$50,000,000 of the funds appropriated by and pursuant to this section may also be used during the fiscal year



ending June 30, 1945, to provide food for consumption by children in nonprofit schools of high-school grade or under and for child-care centers through (a) the purchase, processing, and exchange, and the distribution of agricultural commodities and products thereof; or (b) the making of payments to such schools and centers or agencies having control thereof in connection with the purchase and distribution of agricultural commodities in fresh or processed form and, when desirable, for the processing and exchange of such commodities and their products; or (c) by such other means as the Secretary may determine: *Provided*, That funds appropriated for the purposes of this program shall be apportioned for expenditure in the States, Territories, possessions, and the District of Columbia in accordance with school enrollment and need, as determined by the Secretary, except that if program participation in any State does not require all funds so apportioned, the Secretary may reapportion such excess funds to such other States in consideration of need, as he may determine: *Provided further*, That benefits under this section to schools or child-care centers shall in no case exceed the cost of the agricultural commodities or products thereof delivered to the school or child-care center as established by certificates executed by the authorized representative of the sponsoring agency: *Provided further*, That such sponsoring agency shall maintain accounts and records clearly establishing costs of agricultural commodities or products furnished in the program and that such accounts and records shall be available for audit by representatives of the Department of Agriculture: *Provided further*, That these funds may be used for, or to make payments in connection with, the purchase of such agricultural commodities and for exchanging, distributing, disposing, transporting, storing, processing, inspection, commission, and other incidental costs and expenses without regard to the provisions of section 3709 of the Revised Statutes and without regard to the 25 per centum limitation contained in this section: *Provided further*, That not more than 2 per centum of the funds made available under this amendment shall be used to provide food for children in child-care centers. The amount of funds used in any State during any fiscal year under this paragraph shall not exceed the total amount otherwise furnished for the same purpose by or on behalf of the State and local school authorities and other sponsoring agencies in such State including the value of donated services and supplies, as certified by the respective schools, care centers or agencies having control thereof.

#### SUGAR ACT

To enable the Secretary to carry into effect the provisions, other than those specifically relating to the Philippine Islands, of the Sugar Act of 1937, approved September 1, 1937, as amended (7 U. S. C. 1100-1183), including the employment of persons and means, in the District of Columbia and elsewhere, as authorized by said Act, \$52,510,203, to remain available until June 30, 1946.



## MARKETING SERVICE

For the employment of such persons and means in the city of Washington and elsewhere (including not to exceed \$1,408,617 for departmental personal services in the District of Columbia) as may be necessary in conducting investigations, experiments, and demonstrations, either independently or in cooperation with public or private agencies, organizations, or individuals, as follows:

Market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, cottonseed, and seeds, and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, \$1,271,290.

Market inspection of farm products: For enabling the Secretary, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, canned, or otherwise processed, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That officers and employees who, under proper authorization, use privately owned motor vehicles in the performance of official travel within the corporate limits of their official stations for the purpose of inspecting and grading farm and food products and the supervision thereof at points located within the said corporate limits may be reimbursed for such travel at a rate not to exceed 3 cents per mile: *Provided further*, That certificates issued by the authorized agents of the Departments shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained, \$547,679.

Marketing farm products: For acquiring and diffusing among the people of the United States useful information relative to the standardization, classification, grading, preparation for market, handling, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products



throughout the world, and for making analyses of cotton fiber as provided by the Act of April 7, 1941 (7 U. S. C. 473d), \$451,500: *Provided*, That samples, illustrations, practical forms, or sets of the grades recommended or promulgated by the Secretary for farm or food products may be sold under such rules and regulations as he may prescribe, and the receipts therefrom deposited in the Treasury to the credit of miscellaneous receipts.

Tobacco Inspection and Tobacco Stocks and Standards Acts: To enable the Secretary to carry into effect the provisions of an Act entitled "An Act to establish and promote the use of standards of classification for tobacco, to provide and maintain an official tobacco-inspection service, and for other purposes", approved August 23, 1935 (7 U. S. C. 511-511q), and an Act entitled "An Act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture", approved January 14, 1929 (7 U. S. C. 501-508), as amended, \$933,500.

Perishable Agricultural Commodities, Produce Agency, and Standard Container Acts: To enable the Secretary to carry into effect the provisions of the Perishable Agricultural Commodities Act, approved June 10, 1930, as amended (7 U. S. C. 499a-499r), and the Act to prevent the destruction or dumping of farm produce, and for other purposes, approved March 3, 1927 (7 U. S. C. 491-497), the Standard Baskets Act, approved August 31, 1916, as amended (15 U. S. C. 251-256), and the Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, approved May 21, 1928 (15 U. S. C. 257-257i), \$210,000.

Cotton Statistics, Classing, Standards, and Futures Acts: To enable the Secretary to carry into effect the provisions of the Act authorizing him to collect and publish statistics of the grade and staple length of cotton, approved March 3, 1927, as amended by the Act of April 13, 1937 (7 U. S. C. 471-476), and to perform the duties imposed upon him by chapter 14 of the Internal Revenue Code relating to cotton futures (26 U. S. C. 1920-1935), and to carry into effect the provisions of the United States Cotton Standards Act, approved March 4, 1923, as amended (7 U. S. C. 51-65), including such means as may be necessary for effectuating agreements with cotton associations, cotton exchanges, and other cotton organizations in foreign countries, for (1) the adoption, use, and observance of universal standards of cotton classification, (2) the arbitration or settlement of disputes with respect thereto, and (3) the preparation, distribution, inspection, and protection of the practical forms or copies thereof under such agreements, \$1,210,783.

United States Grain Standards Act: To enable the Secretary to carry into effect the provisions of the United States Grain Standards Act, \$860,999.

United States Warehouse Act: To enable the Secretary to carry into effect the provisions of the United States Warehouse Act, \$533,930.

Federal Seed Act: To enable the Secretary to carry into effect the provisions of the Act entitled "An Act to regulate interstate



and foreign commerce in seeds; to require labeling and to prevent misrepresentation of seeds in interstate commerce; to require certain standards with respect to certain imported seeds; and for other purposes", approved August 9, 1939 (7 U. S. C. 1561-1610), \$117,700: *Provided*, That not to exceed \$250 of this amount may be used for meeting the share of the United States in the expenses of the International Seed Testing Congress in carrying out plans for correlating the work of the various adhering governments on problems relating to seed analysis or other subjects which the Congress may determine to be necessary in the interest of international seed trade.

Packers and Stockyards Act: For carrying out the provisions of the Packers and Stockyards Act, approved August 15, 1921, as amended by the Act of August 14, 1935 (7 U. S. C. 181-229), \$418,700.

Naval Stores Act: For enabling the Secretary to carry into effect the provisions of the Naval Stores Act of March 3, 1923 (7 U. S. C. 91-99), \$34,728.

Insecticide Act: For enabling the Secretary to carry into effect the provisions of the Act of April 26, 1910 (7 U. S. C. 121-134), entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded paris greens, lead arsenates, other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes", \$215,208.

Commodity Exchange Act: To enable the Secretary to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U. S. C. 1-17a), and as further amended by the Act of October 9, 1940 (7 U. S. C. 2), \$348,797.

Freight rates for farm products: To carry out the provisions of section 201 (a) to 201 (d), inclusive, of title II of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1291), \$78,762.

#### LOANS, GRANTS, AND RURAL REHABILITATION

To enable the Secretary through the War Food Administration to continue to provide assistance through rural rehabilitation and grants to needy farmers in the United States, its Territories, and possessions, including (1) farm debt adjustment service, and making and servicing of loans and grants under this and prior laws, (2) loans to needy individual farmers, (3) grants, and (4) liquidation as expeditiously as possible of Federal rural rehabilitation projects under the supervision of the War Food Administration, \$26,000,000, which sum shall be also available for necessary administrative expenses incident to the foregoing, including personal services in the District of Columbia and elsewhere; not to exceed \$57,000 for compensation of experts without regard to the Classification Act of 1923, as amended; purchase of lawbooks, books of reference, periodicals, and newspapers; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; and printing and binding: *Provided*, That the War Food Administrator shall transmit to the Congress semiannually a progress report with respect to the liquidation of Federal rural rehabilitation projects, under his supervision, showing by name and by States all dispositions of such projects, or parts thereof,



together with the amounts of Federal funds expended in the process of liquidation, and any losses incurred in the use of such funds.

In making any grant payments under this Act, the Secretary is authorized to require with respect to such payments the performance of work on useful public projects, Federal and non-Federal, including work on private or public land in furtherance of the conservation of natural resources, and the provisions of the Act of February 15, 1934 (5 U. S. C. 796), as amended, relating to disability or death compensation, and benefits shall apply to those persons performing such work: *Provided*, That this section shall not apply to any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death.

For additional funds for the purpose of making rural rehabilitation loans to needy individual farmers, who are unable to obtain credit elsewhere at comparable rates for the area where such loan is proposed to be made, the Reconstruction Finance Corporation is authorized and directed to make advances to the Secretary upon his request in an aggregate amount of not to exceed \$67,500,000. Such advances shall be made (1) with interest at not to exceed the rate of 3 per centum per annum payable semiannually; (2) upon the security of obligations acceptable to the Corporation heretofore or hereafter acquired by the Secretary pursuant to law; (3) in amounts which shall not exceed 75 per centum of the then unpaid principal amount of the obligations securing such advances; and (4) upon such other terms and conditions, and with such maturities, as the Corporation may determine. The Secretary shall pay to the Corporation, currently as received by him, all moneys collected as payments of principal and interest on the loans made from the amounts so advanced or collected upon any obligations held by the Corporation as security for such advances, until such amounts are fully repaid. The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under the provisions of law in force on the date this Act takes effect is hereby increased by an amount sufficient to carry out the provisions of this paragraph.

None of the moneys appropriated or otherwise authorized under this caption "Loans, grants, and rural rehabilitation", shall be used for (1) the purchase or leasing of land or for the carrying on of any land-purchase or land-leasing program; (2) the carrying on of any operations in collective farming, or cooperative farming, or the organization, promotion or management of homestead associations, land-leasing associations, land-purchasing associations, or cooperative land purchasing for colonies of rehabilitants or tenant purchasers, except for the liquidation as expeditiously as possible of each such projects heretofore initiated; or (3) the making of loans to any individual farmer in excess of \$2,500; or (4) the making of loans to any cooperative association; or (5) the making of loans for the payment of dues to or the purchase of any share or stock interest in any cooperative association (ex-



cept for medical, dental, or hospital services) or for any expenditure other than that deemed necessary, in the discretion of the Administrator, for the production of agricultural commodities.

The Secretary of Agriculture may expend funds administered by him as trustee under the various transfer agreements with the several State rural rehabilitation corporations only for purposes for which funds made available under this caption may be expended, and the limitation applicable to such funds shall also be applicable to the expenditure of such trust funds by the Secretary of Agriculture.

The appropriation and authorizations herein made under the heading "Loans, grants, and rural rehabilitation", shall constitute the total amount to be available for obligation under this heading during the fiscal year 1945 and shall not be supplemented by funds from any source.

No part of the appropriation herein made under the heading "Loans, grants, and rural rehabilitation", shall be available to pay the compensation of any person appointed in accordance with the civil-service laws.

#### FARM TENANCY

To enable the Secretary through the War Food Administration to carry into effect the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), as follows:

**Salaries and expenses:** For necessary expenses in connection with the making of loans under title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), and the collection of moneys due the United States on account of loans heretofore made under the provisions of said Act, including the employment of persons and means in the District of Columbia and elsewhere, exclusive of printing and binding, as authorized by said Act, \$1,500,000.

**Loans:** For loans to individual farmers in accordance with title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), \$15,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation at an interest rate of 3 per centum per annum and which sum shall not be used for making loans under the terms of said Act for the purchase of farms of greater value than the average farm unit of thirty acres and more in the county, parish, or locality in which such purchase may be made, which value shall be determined solely according to statistics of the farm census of 1940; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum to the Secretary upon the security of any obligations of borrowers from the Secretary under the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006): *Provided*, That the amount loaned by the Reconstruction Finance Corporation shall not exceed 85 per centum of the principal amount outstanding of the obligations constituting the security therefor: *Provided further*, That the Secretary may utilize proceeds from payments of principal and interest on any loans made under such title I to



repay the Reconstruction Finance Corporation the amount borrowed therefrom under the authority of this paragraph: *Provided further*, That the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions hereof.

#### WATER FACILITIES, ARID AND SEMIARID AREAS

To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes", approved August 28, 1937, as amended (16 U. S. C. 590r-590x, 590z-5), including the exchange, operation, and maintenance of passenger-carrying vehicles, \$1,025,000, of which not to exceed \$11,000 may be expended for personal services in the District of Columbia.

#### RURAL ELECTRIFICATION ADMINISTRATION

To enable the Secretary to carry into effect the provisions of the Rural Electrification Act of 1936, approved May 20, 1936, as amended (7 U. S. C. 901-914), as follows:

Salaries and expenses: For administrative expenses and expenses of studies, investigations, publications, and reports including the salary of the Administrator, Rural Electrification Administration, and other personal services in the District of Columbia and elsewhere; purchase and exchange of books, lawbooks, books of reference, directories, and periodicals; not to exceed \$300 for newspapers; and not to exceed \$500 for financial and credit reports, \$2,550,000.

Loans: For loans in accordance with sections 3, 4, and 5, and for the purchase of property and costs and expenses incurred in connection therewith in accordance with section 7 of the Rural Electrification Act of May 20, 1936, as amended (7 U. S. C. 901-914), \$25,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation in accordance with the provisions of section 3 (a) of said Act and shall be considered as made available thereunder; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum in addition to the amounts heretofore authorized under said section 3 (a) and without regard to the limitation in respect of time contained in section 3 (e) of said Act; and the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions hereof.

#### FARM CREDIT ADMINISTRATION

##### SALARIES AND EXPENSES

For salaries and expenses of the Farm Credit Administration in the District of Columbia and the field, including printing and



binding; travel expenses, including not to exceed \$5,000 for travel incurred under proper authority attending meetings or conventions of members of organizations at which matters of importance to the work of the Farm Credit Administration are to be discussed or transacted; lawbooks, books of reference, and not to exceed \$750 for periodicals and newspapers; contract stenographic reporting services; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; not to exceed \$10,000 for purchase of manuscripts, data, and special reports by personal service without regard to the provisions of any other Act; purchase, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles in the District of Columbia and elsewhere; garage rental in the District of Columbia; payment of actual transportation and other necessary expenses and not to exceed \$10 per diem in lieu of subsistence of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Farm Credit Administration, except that such expenditures shall not exceed \$10,000; not to exceed \$10,000 for employment of persons, firms, and others for the performance of special services, including legal services; necessary administrative expenses in connection with the making of loans under the provisions of the Act of January 29, 1937 (12 U. S. C. 1020i-1020n, 1020o), and the collection of moneys due the United States on account of loans made under the provisions of said Act and similar Acts administered by the Farm Credit Administration relating to loans for crop production, feed, seed, and harvesting; examination of corporations, banks, associations, and institutions operated, supervised, or regulated by the Farm Credit Administration: *Provided*, That hereafter the expenses and salaries of employees engaged in such examinations shall be assessed against the said corporations, banks, or institutions in accordance with the provisions of existing laws except that the amounts collected from the Federal land banks, joint stock land banks, and Federal intermediate credit banks pursuant to the Act of July 17, 1916, as amended (12 U. S. C. 657), shall be covered into the Treasury and credited to a special fund, and the Administration shall estimate the cost to the Farm Credit Administration of the administrative supervision of the Federal land banks, the banks for cooperatives, the Federal intermediate credit banks, and the production credit corporations for each fiscal year and shall apportion the amount so determined among such banks and corporations on such equitable basis as said Administration shall determine, and shall assess and collect such amounts in advance from such banks and corporations and the amount so collected shall be covered into the Treasury and credited to said special fund, which fund is hereby made available to said Administration for expenditure for the purposes set forth in its annual appropriation: *Provided further*, That as soon as practicable after June 30 of each fiscal year said Administration shall determine, on a fair and reasonable basis, (1) the cost of the examination services rendered during such fiscal year to each Federal land bank, joint stock land bank, and Fed-



eral intermediate credit bank and (2) the amount which fairly and equitably should be allocated to each Federal land bank, bank for cooperatives, Federal intermediate credit bank, and production credit corporation as the cost during such fiscal year of their administrative supervision, and if the sum of these two items in any case is greater than the total amount collected from the bank or the corporation concerned, the difference shall be collected from such bank or corporation or, if less, shall be refunded from said special fund to the bank or the corporation entitled thereto; in all, \$626,321, together with not to exceed \$4,459,480 from the funds made available to the Farm Credit Administration pursuant to the Act of January 29, 1937 (12 U. S. C. 1020i-1020n, 1020o).

Farmers' crop production and harvesting loans: For loans to farmers under the Act of January 29, 1937 (12 U. S. C. 1020i-1020n, 1020o), as amended by the Acts of February 4, 1938 (Public Resolution 78), June 30, 1939 (Public Law 159), June 25, 1940 (12 U. S. C. 1020n-1), July 1, 1941 (Public Law 144), July 22, 1942 (Public Law 674), and July 12, 1943 (Public Law 129), the unobligated balance (exclusive of the amount of such balance made available for "Salaries and expenses, Farm Credit Administration, 1945") of the appropriation "Crop production and harvesting loans" as made in the First Deficiency Appropriation Act, fiscal year 1937 (Act of February 9, 1937, Public Law 4), and as continued available by the Acts of February 4, 1938 (Public Resolution 78), June 30, 1939 (Public Law 159), June 25, 1940 (12 U. S. C. 1020n-1), July 1, 1941 (Public Law 144), July 22, 1942 (Public Law 674), and July 12, 1943 (Public Law 129), is hereby made available, together with all collections of principal and interest on loans heretofore or hereafter made under said Act of January 29, 1937 (12 U. S. C. 1020i-1020n, 1020o).

#### FEDERAL FARM MORTGAGE CORPORATION

Not to exceed \$8,200,000 of the funds of the Federal Farm Mortgage Corporation, established by the Act of January 31, 1934 (12 U. S. C. 1020-1020h), shall be available during the fiscal year 1945 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses of officers and employees of the Corporation, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding, lawbooks, books of reference, and not to exceed \$250 for periodicals and newspapers; contract stenographic reporting services; procurement of supplies, equipment, and services; purchase, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes; rent in the District of Columbia; payment of actual transportation and other necessary expenses and not to exceed \$10 per diem in lieu of subsistence of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Corporation; employment on a contract or fee basis of persons, firms, and corporations for the performance of special services, including legal services; use of the



services and facilities of Federal land banks, national farm loan associations, Federal Reserve banks, and agencies of the Government as authorized by said Act of January 31, 1934; and all other necessary administrative expenses: *Provided*, That all expenditures which under the accounting system prescribed for the Corporation by the General Accounting Office are to be treated as capital investments, increasing the book value of acquired fixed property (real estate and chattel), shall be considered as non-administrative expenses for the purposes hereof: *Provided further*, That except for the limitation in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said Act of January 31, 1934, as amended (12 U. S. C. 1016-1020h).

### GENERAL PROVISIONS

Sec. 2. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation or expenses of any officer or employee of the Department of Agriculture, or any bureau, office, agency, or service of the Department, or any corporation, institution, or association supervised thereby, who makes or approves, or directs or authorizes any other officer or employee of the Department or of any such bureau, office, agency, service, corporation, institution, or association to make or approve, (1) any loan or advance under the provisions of food production financing bulletins F-1 or F-2, issued by the Farm Credit Administration operating under the Food Production Administration, Production Loans Branch, as heretofore or hereafter amended, unless (a) the applicant represents in writing and it is administratively determined that credit sufficient in amount to finance the production of the crops or livestock specified in the application is not available to him from sources other than the Regional Agricultural Credit Corporation or is available from other sources only on such terms and conditions that he could not use the other credit available to the extent necessary to produce the entire quantity of such crops or livestock specified in his application and (b) the person authorized to approve the loan or advance on behalf of the Regional Agricultural Credit Corporation finds that a greater quantity of the crops or livestock specified in the application would be likely to be produced if the loan or advance is made than would be produced otherwise, or (2) any loan or advance under the provisions of section 201 (e) of the Emergency Relief and Construction Act of 1932 (12 U. S. C. 1148), as amended (other than loans or advances under bulletins F-1 and F-2 made or approved on the conditions specified in this section) except (a) in regions in which loans or advances had been made under said section 201 (e) of the Emergency Relief and Construction Act of 1932 within one year prior to December 1, 1942, or (b) in any region which the Secretary of Agriculture shall have designated as a region in which the making of such loans or advances is necessary in order to finance the production of crops or livestock that otherwise would



not be produced in such region: *Provided*, That none of the limitations provided for by this section shall apply with respect to any loan or advance made or approved at any time for the purpose of financing the completion of production undertaken before July 12, 1943, or for the purpose of protecting or preserving the security for or assisting in the collection or liquidation of any loan or advance made or approved before such date.

Sec. 3. Not to exceed 7 per centum of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 7 per centum shall be added to any one item of appropriation except in cases of extraordinary emergency.

Sec. 4. During the fiscal year for which appropriations are herein made the head of any department or independent establishment of the Government requiring inspections, analyses, and tests of food and other products, within the scope of the functions of the Department of Agriculture and which that Department is unable to perform within the limits of its appropriations, may, with the approval of the Secretary, transfer to the Department for direct expenditure such sums as may be necessary for the performance of such work.

Sec. 5. Within the unit limit of cost fixed by law the lump-sum appropriations herein made for the Department shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department outside the District of Columbia: *Provided*, That such vehicles shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motor trucks in the District of Columbia: *Provided further*, That appropriations contained in this Act shall be available for the maintenance, operation, and repair of motor-propelled and horse-drawn passenger-carrying vehicles: *Provided further*, That the funds available to the Agricultural Adjustment Agency may be used for the maintenance, repair, and operation of one passenger-carrying vehicle in the District of Columbia.

Sec. 6. Provisions of law prohibiting or restricting the employment of aliens shall not apply to (1) the temporary employment of translators when competent citizen translators are not available; (2) employment in cases of emergency of persons in the field service of the Department for periods of not more than sixty days; (3) employment on the emergency rubber project; (4) employment by the Rural Electrification Administration of not to exceed twenty junior engineer trainees who are citizens of other American republics; and (5) employment under the appropriation for the Office of Foreign Agricultural Relations.

Sec. 7. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affi-



davit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That such administrative or supervisory employees of the Department as may be designated for the purpose by the Secretary are hereby authorized to administer the oaths to persons making affidavits required by this section, and they shall charge no fee for so doing: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That nothing in this section shall be construed to require an affidavit from any person employed for less than sixty days for sudden emergency work involving the loss of human life or destruction of property, and payment of salary or wages may be made to such persons from applicable appropriations for services rendered in such emergency without execution of the affidavit contemplated by this section.

Sec. 8. If at any time during the fiscal year 1945 the termination of the Act entitled "An Act to provide temporary additional compensation for employees in the Postal Service", approved April 9, 1943, or of the Act entitled "An Act to provide for the payment of overtime compensation to Government employees, and for other purposes", approved May 7, 1943, shall be fixed by concurrent resolution of the Congress at a date earlier than June 30, 1945, the appropriations contained in this Act shall cease to be available on such earlier date for obligation for the purposes of the terminated Act and the unobligated portions of appropriations allocated for the purposes of such terminated Act shall not be obligated for any other purposes of the appropriation during the fiscal year 1945.

Sec. 9. This Act may be cited as the "Department of Agriculture Appropriation Act, 1945". (June 28, 1944; Pub. Law. 367; 78th Congress, 2d Session.)

NOTE: The proviso contained in the paragraph under "Federal Crop Insurance Act" was repealed by act of Dec. 23, 1944, 58 Stat. 918.

**§ 201. Second Deficiency Appropriation Act, 1944.**—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1944, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1944, and June 30, 1945, and for other purposes:

#### DEPARTMENT OF AGRICULTURE

##### FOREST SERVICE

##### SALARIES AND EXPENSES

National forest protection and management: For an additional amount, fiscal year 1945, for national forest protection and man-



agement, including the objects specified under this head in the Department of Agriculture Appropriations Act, 1945, and including expenditures authorized by section 10 of the act of March 29, 1944 (Public Law 273) (16 U. S. C. 471-562), \$596,000.

#### FEDERAL FARM MORTGAGE CORPORATION

Salaries and expenses: For an additional amount for administrative expenses of the Federal Farm Mortgage Corporation, fiscal year 1944, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1944, \$378,000, payable from the funds of said Corporation.

\* \* \*

(June 28, 1944, Pub. Law 375, 78th Cong., 2d Session.)

**§ 202. First Supplemental Appropriation Act, 1945.**—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1944, and for prior fiscal years, and to provide supplemental appropriations for the fiscal years ending June 30, 1945 and 1946, and for other purposes as follows:

\* \* \*

#### DEPARTMENT OF AGRICULTURE

##### CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES

The limitation on expenditures under the 1944 program of soil-building practices and soil- and water-conservation practices established in the fourth proviso clause of the appropriation "Conservation and Use of Agriculture Land Resources", in the Department of Agriculture Appropriation Act, 1944, is hereby increased from \$300,000,000 to \$313,000,000 (exclusive of the \$12,500,000 provided in the Department of Agriculture Appropriation Act, 1945, for additional seed payments).

##### OFFICE OF INFORMATION

Salaries and expenses: For an additional amount, fiscal year 1945, for salaries and expenses, Office of Information, \$8,002, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1945.

##### LIBRARY, DEPARTMENT OF AGRICULTURE

Salaries and expenses: For an additional amount, fiscal year 1945, for salaries and expenses, Library, Department of Agriculture, \$6,938, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1945.

#### AGRICULTURAL RESEARCH ADMINISTRATION

##### BUREAU OF PLANT INDUSTRY, SOILS, AND AGRICULTURAL ENGINEERING

##### SALARIES AND EXPENSES

Agricultural engineering investigations: For an additional amount for agricultural engineering investigations, fiscal year



1945, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1945, \$83,000, of which sum not to exceed \$45,000 may be expended for the construction of a building to replace one destroyed by fire at the United States Cotton Ginning laboratory, Stoneville, Mississippi.

#### EXTENSION SERVICE

Salaries and expenses: For an additional amount, fiscal year 1945, for salaries and expenses, \$37,000, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1945.

#### BUREAU OF AGRICULTURAL ECONOMICS

##### SALARIES AND EXPENSES

Crop and livestock estimates: For an additional amount, fiscal year 1945, for crop and livestock estimates, \$235,000, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1945.

#### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

##### SALARIES AND EXPENSES

Forest insects: For an additional amount for forest insects, fiscal year 1945, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1945, \$25,000.

Foreign plant quarantines: For an additional amount, fiscal year 1945, for foreign plant quarantines, \$102,000, including the objects specified under this head in the Department Appropriation Act, 1945.

#### WAR FOOD ADMINISTRATION

Supply and distribution of farm labor: The authority and funds provided by the Farm Labor Supply Appropriation Act, 1944, as amended, are hereby continued through December 31, 1945, for carrying out the purposes of said Act, and, in addition to the amount hereby continued available, there is hereby appropriated an additional \$20,000,000 for such purposes, to be merged with the funds heretofore appropriated for the farm labor supply program: *Provided*, That not less than \$7,000,000 and not more than \$11,000,000 of such additional funds shall be apportioned among the several States in the matter and for the purposes specified in section 2 of said Act: *Provided further*, That not more than \$100,000 of the additional amount so apportioned may be expended by the State agricultural extension services for the construction of labor supply centers under the limitations of said section 2: *Provided further*, That in addition to the amounts heretofore made available for administrative expenses pursuant to section 3 (c) of said Farm Labor Supply Appropriation Act, 1944, as supplemented, there is hereby made available the amount of \$605,228 for the purposes of said section.

#### RURAL ELECTRIFICATION ADMINISTRATION

Salaries and expenses: For an additional amount for salaries and expenses, Rural Electrification Administration, fiscal year



1945, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1945, \$696,000.

\* \* \*

(Dec. 22, 1944, Pub. Law 529, 78th Cong., 2d Session.)

**§ 203. Supplemental appropriations for the fiscal year ending June 30, 1945.**—The following sums and paragraphs are appropriated, out of any money in the Treasury not otherwise appropriated, in lieu of the corresponding sums and paragraphs contained in the bill (H. R. 2374) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1945, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1945, and June 30, 1946, and for other purposes, as passed by the House of Representatives on March 2, 1945, and as reported to the Senate on March 24, 1945, namely:

\* \* \*

#### AGRICULTURAL RESEARCH ADMINISTRATION

Control of incipient and emergency outbreaks of insect pests and plant diseases: For an additional amount for control of incipient and emergency outbreaks of insect pests and plant diseases, fiscal year 1945, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1945, \$1,080,050.

\* \* \*

(March 31, 1945, Pub. Law 26, 79th Congress, 1st Session.)

**§ 204. First Deficiency Appropriation Act, 1945.**—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1945, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1945, and June 30, 1946, and for other purposes, namely:

\* \* \*

#### DEPARTMENT OF AGRICULTURE

##### FOREST SERVICE

Fighting forest fires: For an additional amount for fighting forest fires, fiscal year 1945, \$1,959,000.

\* \* \*

(April 25, 1945, Pub. Law 40, 79th Congress, 1st Session.)

**§ 205. Department of Agricultural Appropriation Act, 1946.**—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture for the fiscal year ending June 30, 1946, hereinafter referred to as the current fiscal year, namely:

#### DEPARTMENT OF AGRICULTURE

##### OFFICE OF THE SECRETARY

##### SALARIES AND EXPENSES

For the Secretary of Agriculture, hereafter in this Act referred to as the Secretary, and other personal services in the Office of



the Secretary in the District of Columbia, and elsewhere, and other necessary expenses, including the purchase of one and the maintenance, repair, and operation of four motor-propelled passenger-carrying vehicles; travel expenses, including examination of estimates for appropriations in the field; stationery, supplies, materials, and equipment; freight, express, and drayage charges; advertising, communication service, postage, washing towels, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, \$1,450,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the current fiscal year for such services and expenses, which several amounts or portions thereof as may be determined by the Secretary, not exceeding a total of \$131,390, shall be transferred to and made a part of this appropriation: *Provided, however,* That if the total amounts of such appropriations or authorizations for the current fiscal year shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with the representatives of the Department of Agriculture, hereafter in this Act referred to as the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further,* That, of appropriations herein made which are available for the purchase of lands, not to exceed \$1 may be expended for each option to purchase any particular tract or tracts of land: *Provided further,* That no part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast, except as to damage, threatened or caused by insects and pests, with respect to future prices of cotton or the trend of same: *Provided further,* That, except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

#### PENALTY MAIL

For deposit in the general fund of the Treasury for cost of penalty mail of the Department of Agriculture, including the War Food Administration, as required by section 2 of the Act of June 28, 1944 (Public Law 364), \$3,238,740, together with not to exceed \$30,000 of the funds made available to the Commodity Credit Corporation for administrative expenses, for penalty mail for said Corporation, and the amount authorized for penalty mail for said Corporation in the First Supplemental Appropriation Act, 1945, for the fiscal year 1945 is hereby increased by \$12,000.



## OFFICE OF THE SOLICITOR

For necessary expenses for the Office of Solicitor including personal services in the District of Columbia and elsewhere, purchase of lawbooks, books of reference, and periodicals, and payment of fees or dues for the use of law libraries by attorneys in the field service, \$1,730,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the current fiscal year for such expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$197,500, shall be transferred to and made a part of this appropriation; and there may be expended for personal services in the District of Columbia not to exceed \$906,990: *Provided, however,* That if the total amount of such appropriations or authorizations for the current fiscal year shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations.

## OFFICE OF INFORMATION

## SALARIES AND EXPENSES

For necessary expenses in connection with the publication, indexing, illustration, and distribution of bulletins, documents, and reports, the preparation, distribution, and display of agricultural motion and sound pictures, and exhibits, and the coordination of informational work in the Department, \$453,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the current fiscal year for such expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$161,179 shall be transferred to and made a part of this appropriation, of which total appropriation amounts not exceeding those specified may be used for the purposes enumerated as follows: For personal services in the District of Columbia, \$487,640; for preparation and display of exhibits, \$58,470 and the preparation, distribution, and display of motion and sound pictures \$50,000, including cooperation with Federal, State, county, municipal, and other agencies: *Provided, however,* That if the total amounts of the appropriations or authorizations for the current fiscal year from which transfers to this appropriation are herein authorized shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with repre-



sentatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further*, That when and to the extent that in the judgment of the Secretary agricultural exhibits and motion and sound pictures relating to the authorized programs of the various agencies of the Department can be more advantageously prepared, displayed, or distributed by the Office of Information, as the central agency of the Department therefor, additional funds not exceeding \$300,000 for these purposes may be transferred to and made a part of this appropriation, from the funds applicable, and shall be available for the objects, specified herein, including personal services in the District of Columbia: *Provided further*, That in the preparation of motion pictures or exhibits by the Department, not exceeding a total of \$10,000 may be used for employment pursuant to the second sentence of section 706 (a) of the Act of September 21, 1944 (Public Law 425): *Provided*, That no part of this appropriation shall be used for the establishment or maintenance of regional or State field offices or for the compensation of employees in such offices except that not to exceed \$11,856 may be used to maintain the San Francisco radio office.

#### PRINTING AND BINDING

For all printing and binding for the Department, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, except as otherwise in this Act provided, \$1,000,000, including the purchase of reprints of scientific and technical articles published in periodicals and journals; the Annual Report of the Secretary, as required by the Acts of January 12, 1895 (44 U. S. C. 111, 212-220, 222, 241, 244), March 4, 1915 (7 U. S. C. 418), and June 20, 1936 (5 U. S. C. 108), and in pursuance of the Act approved March 30, 1906 (44 U. S. C. 214, 224), also including not to exceed \$250,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct, but not including work done at the field printing plants of the Forest Service authorized by the Joint Committee on Printing, in accordance with the Act approved March 1, 1919 (44 U. S. C. 111, 220): *Provided*, That the Secretary may transfer to this appropriation from the appropriation made for "Conservation and Use of Agricultural Land Resources" such sums as may be necessary for printing and binding in connection with marketing quotas under the Agricultural Adjustment Act of 1938, and from funds appropriated to carry into effect the terms of section 32 of the Act of August 24, 1935 (7 U. S. C. 612c), as amended, such sums as may be necessary for printing and binding in connection with the activities under said section 32, and from funds appropriated for "Salaries and expenses, War Food Administration", such sums as may be necessary for printing and binding in connection with functions assigned to the Office of



Information by the War Food Administrator: *Provided further*, That the total amount that may be transferred under the authority granted in the preceding proviso shall not exceed \$225,000.

#### LIBRARY, DEPARTMENT OF AGRICULTURE

Salaries and expenses: For purchase and exchange of reference books, lawbooks, technical and scientific books, periodicals, and for expenses incurred in completing imperfect series; not to exceed \$1,200 for newspapers; for dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; for salaries in the city of Washington and elsewhere; for official travel expenses, and for library fixtures, library cards, supplies, and for all other necessary expenses, \$467,900, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the current fiscal year, for such salaries and expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$750, shall be transferred to and made a part of this appropriation, of which total appropriation not to exceed \$306,433, may be expended for personal services in the District of Columbia: *Provided, however*, That if the total amounts of such appropriations or authorizations for the current fiscal year shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations.

#### BUREAU OF AGRICULTURAL ECONOMICS

For the employment of persons and means in the District of Columbia and elsewhere, either independently or in cooperation with public agencies or organizations, including not to exceed \$1,888,589 for personal services in the District of Columbia, including the salary of Chief of Bureaus at \$10,000 per annum, and not to exceed \$1,000 for the purchase of books of reference, periodicals, and newspapers, as follows:

Economic investigations: For acquiring and diffusing useful information among the people of the United States, for conducting investigations, experiments, and demonstrations, and for aiding in formulating programs for authorized activities of the Department, relative to agricultural production, distribution, land utilization, and conservation in their broadest aspects, including farm management and practice, utilization of farm and food products, purchasing of farm supplies, farm population and rural life, farm labor, farm finance, insurance and taxation, adjustments in production to probable demand for the different farm



and food products; land ownership and values, costs, prices and income in their relation to agriculture, including causes for their variations and trends, \$2,110,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the current fiscal year for such salaries and expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$122,933 shall be transferred to and made a part of this appropriation: *Provided, however,* That if the total amounts of such appropriations or authorizations for the current fiscal year shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further,* That no part of the funds herein appropriated or made available to the Bureau of Agricultural Economics shall be used for State and county land-use planning.

Crop and livestock estimates: For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and livestock estimates, acreage, yield, grades, staples of cotton, stocks, and value of farm crops and numbers, grades, and value of livestock and livestock products on farms, in cooperation with the Extension Service and other Federal, State, and local agencies, and for the collection and publication of statistics of peanuts as provided by the Act approved June 24, 1936, as amended May 12, 1938 (7 U. S. C. 951-957), \$1,520,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the current fiscal year for such salaries and expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$149,000, shall be transferred to and made a part of this appropriation: *Provided, however,* That if the total amounts of such appropriations or authorizations for the current fiscal year shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further,* That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intention of farmers as to the acreage to be planted in cotton: *Provided further,* That estimates of apple production shall be confined to the commercial crop.



## OFFICE OF FOREIGN AGRICULTURAL RELATIONS

Salaries and expenses: For carrying out the functions of the Secretary under the Act of June 5, 1930, as amended (7 U. S. C. 541-545), independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations and persons engaged in the production, transportation, marketing, and distribution of farm and food products, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including the employment of persons and means in the District of Columbia and elsewhere, and the purchase of such books and periodicals and not to exceed \$500 for newspapers as may be necessary in connection with this work, \$500,000.

## INTERNATIONAL PRODUCTION CONTROL COMMITTEES

Not to exceed \$12,500 may be expended from the appropriations "Salaries and expenses, Agricultural Adjustment Administration" and "Sugar Act" for the share of the United States as a member of the International Wheat Advisory Committee, the International Sugar Council, or like events or bodies concerned with the reduction of agricultural surpluses or with other objectives of said appropriations, together with traveling and other necessary expenses relating thereto.

## EXTENSION SERVICE

### PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO

For payments to the States, Hawaii, Alaska, and Puerto Rico, for cooperative agricultural extension work as follows:

Capper-Ketcham, Bankhead-Jones, and related Acts: Capper-Ketcham Act, the Act approved May 22, 1928 (7 U. S. C. 343a, 343b), \$1,480,000; Blankhead-Jones Act, section 21, title II, of the Act approved June 29, 1935 (7 U. S. C. 343c), \$12,000,000; additional extension work, the Act approved April 24, 1939 as amended (7 U. S. C. 343c-1), \$555,000; Alaska, the Act approved February 23, 1929 (7 U. S. C. 386c), extending the benefits of the Smith-Lever Act to the Territory of Alaska, \$13,950, and section 3 of the Act approved June 20, 1936 (7 U. S. C. 343e), extending the benefits of the Capper-Ketcham Act to the Territory of Alaska, \$10,000, in all, for Alaska, \$23,950; Puerto Rico, the Act approved August 28, 1937 (7 U. S. C. 343f-343g) extending the benefits of section 21 of the Bankhead-Jones Act to Puerto Rico, \$140,000; in all, Capper-Ketcham, Bankhead-Jones, and related Acts, \$14,198,950.

## SALARIES AND EXPENSES

Administration and coordination of extension work: For the employment of persons and means in the District of Columbia and elsewhere to enable the Secretary to administer the provisions of the Smith-Lever Act, approved May 8, 1914 (7 U. S. C. 341-348), and Acts amendatory or supplementary thereto, and to coordinate the extension work of the Department and the several States, Territories, and insular possessions, including co-



operation with other bureaus and offices of the Department, and Federal, State, county, and other agencies, in the development, preparation, and distribution of educational material designed to increase the effectiveness of cooperative extension work as conducted by the Department in cooperation with land-grant colleges, \$697,900, of which amount not to exceed \$543,610 may be expended for personal services in the District of Columbia.

## AGRICULTURAL RESEARCH ADMINISTRATION

### OFFICE OF ADMINISTRATOR

Salaries and expenses: For necessary salaries and expenses of the Office of Administrator, including the salary of the Administrator at \$9,200 per annum, and personal services in the District of Columbia and elsewhere, and for necessary expenses in connection with the maintenance, operation, and furnishing of facilities and services at the Agricultural Research Center, \$285,200: *Provided*, That the appropriation current at the time services are rendered may be reimbursed (by advance credits or reimbursements based on estimated or actual charges) from applicable appropriations, to cover the charges, including handling and other related services, for equipment rentals (including depreciation, maintenance, and repairs); for services, supplies, equipment and materials furnished, stores of which may be maintained at the Center, and for building construction, alteration, and repair performed by the Center in carrying out the purposes of such applicable appropriations and the applicable appropriations may also be charged their proportionate share of the necessary general expenses of the Center not covered by this appropriation: *Provided further*, That the several appropriations of the Agricultural Research Administration shall be available for the construction, alteration, and repair of buildings and improvements: *Provided, however*, That unless otherwise provided, the cost of constructing any one building (excepting headhouses connecting greenhouses) shall not exceed \$5,000, the total amount for construction of buildings costing more than \$2,500 each shall be within the limits of the estimates submitted and approved therefor, and the cost of altering any one building during the fiscal year shall not exceed \$2,500 or 2 per centum of the cost of the building as certified by the Research Administrator, whichever is greater.

### SPECIAL RESEARCH FUND, DEPARTMENT OF AGRICULTURE

For enabling the Secretary to carry into effect the provisions of an Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935 (7 . S. C. 427, 427b, 427c, 427f); for administration of the provisions of section 5 of the said Act, and for special research work, including the planning, programming, coordination, and printing the results of such research, to be conducted by such agencies of the Department as the Secretary may designate or establish, and to which he may make allot-



ments from this fund, including the employment of persons and means in the District of Columbia and elsewhere; \$1,088,000, of which amount \$662,894 shall be available for the maintenance and operation of research laboratories and facilities in the major agricultural regions provided for by section 4 of said Act.

#### OFFICE OF EXPERIMENT STATIONS

##### PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO

For payments to the States, Hawaii, Alaska, and Puerto Rico to be paid quarterly in advance, to carry into effect the provisions of the following Acts relating to agricultural experiment stations:

Hatch, Adams, Purnell, Bankhead-Jones, and related Acts: Hatch Act, the Act approved March 2, 1887 (7 U. S. C. 362, 363, 365, 368, 377-379), \$720,000; Adams Act, the Act approved March 16, 1906 (7 U. S. C. 369), \$720,000; Purnell Act, the Act approved February 24, 1925 (7 U. S. C. 361, 366, 370, 371, 373-376, 380, 382), \$2,880,000; Bankhead-Jones Act, title I of the Act approved June 29, 1935 (7 U. S. C. 427-427g), \$2,663,708; Hawaii, the Act approved May 16, 1928 (7 U. S. C. 386-386b), extending the benefits of certain Acts of Congress to the Territory of Hawaii, \$90,000; Alaska, the Act approved February 23, 1929 (7 U. S. C. 386c), extending the benefits of the Hatch Act to the Territory of Alaska, \$15,000, and the provisions of section 2 of the Act approved June 20, 1936 (7 U. S. C. 369a), extending the benefits of the Adams and Purnell Acts to the Territory of Alaska \$27,500; in all, for Alaska, \$42,500; Puerto Rico, the Act approved March 4, 1931, as amended (7 U. S. C. 386d-386f), extending the benefits of certain Acts of Congress to Puerto Rico, \$90,000; in all, payments to States, Hawaii, Alaska, and Puerto Rico, \$7,206,208.

##### SALARIES AND EXPENSES

Administration of grants and coordination of research with States: For salaries and expenses, including personal services in the District of Columbia, necessary to enable the Secretary to enforce the provisions of the Acts approved March 2, 1887, March 16, 1906, February 24, 1925, May 16, 1928, February 23, 1929, March 4, 1931, and June 20, 1936, and Acts amendatory thereto (7 U. S. C. 361-363, 365-383, 386-386f), relative to their administration and for the administration of an agricultural experiment station in Puerto Rico, \$153,600, of which not to exceed \$143,700 may be expended for personal services in the District of Columbia; and the Secretary shall prescribe the form of the annual financial statement required under the above Acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the research work of the State agricultural colleges and experiment stations in the lines authorized in said Acts with research of the Department in similar lines, and make report thereon to Congress.

Federal Experiment Station, Puerto Rico: To enable the Secretary to establish and maintain an agricultural experiment station in Puerto Rico, including the preparation, illustration, and distribution of reports and bulletins, \$99,375; and the Secretary is authorized to sell such products as are obtained on the land be-



longing to the agricultural experiment station in Puerto Rico and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts.

## BUREAU OF ANIMAL INDUSTRY

### SALARIES AND EXPENSES

For the employment of persons and means in the District of Columbia and elsewhere, including not to exceed \$591,004 for departmental personal services in the District of Columbia, for carrying out, independently or in cooperation with public or private agencies, including individuals, the provisions of the Act, as amended, establishing a Bureau of Animal Industry, and related Acts, and for investigations concerned with the livestock and meat industries, as follows:

Animal husbandry: For investigations and experiments in animal husbandry and animal and poultry feeding and breeding, and for cooperation with State authorities in the administration of regulations for the improvement of poultry, poultry products, and hatcheries, \$840,000.

Diseases of animals: For scientific investigations of diseases of animals, and necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, \$708,900.

Eradicating tuberculosis and Bang's disease: For the control and eradication of the diseases of tuberculosis and paratuberculosis of animals, avian tuberculosis, and Bang's disease of cattle, \$5,048,000, together with not to exceed \$800,000 of the unobligated balance of the appropriation for the fiscal year 1943: *Provided*, That no part of the money hereby appropriated shall be used in compensating owners of cattle except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of cattle shall take place, nor shall any payment be made hereunder as compensation for or on account of any such animal if at the time of inspection or test, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person, firm, or corporation to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated no payment as compensation for any cattle condemned for slaughter shall exceed one-third of the difference between the appraised value of such cattle and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, and municipality where the animal shall be condemned; and that in no case shall any payment hereunder be more than \$25 for any grade animal or more than \$50 for any purebred animal.

Inspection and quarantine: For inspection and quarantine work, including the control and eradication of hog cholera and related swine diseases, southern cattle ticks, scabies in sheep and cattle, and dourine in horses, the supervision of the transportation of livestock, the inspection of vessels, the execution of the twenty-eight-hour law, the inspection and quarantine of imported animals in accordance with the Act of August 30, 1890 (21 U. S. C.



102), and the inspection work relative to the existence of contagious diseases, \$999,600.

Meat inspection: For carrying out the provisions of laws relating to Federal inspection of meat and meat food products, \$7,800,000.

Virus Serum Toxin Act: For carrying out the provisions of the Act approved March 4, 1913 (21 U. S. C. 151-158), regulating the preparation, sale, barter, exchange, or shipment of any virus, serum, toxin, or analogous product manufactured in the United States and the importation of such products intended for use in the treatment of domestic animals, \$243,400.

Marketing agreements, hog cholera virus and serum: The sum of \$31,940 of the appropriation made by section 12 (a) of the Agricultural Adjustment Act, approved May 12, 1933, is hereby made available during the fiscal year for which appropriations are herein made to carry into effect sections 56 to 60, inclusive, of the Act approved August 24, 1935 (7 U. S. C. 851-855), entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", including the employment of persons and means in the District of Columbia and elsewhere.

#### ERADICATION OF FOOT-AND-MOUTH AND OTHER CONTAGIOUS DISEASES OF ANIMALS

In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, which, in the opinion of the Secretary, threatens the livestock industry of the country, he may expend in the city of Washington or elsewhere any unexpended balances of appropriations heretofore made for this purpose, not to exceed \$305,000, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and, except in case of an extraordinary emergency, to be determined by the Secretary, the payment by the United States Government for any animals shall not exceed one-half of any such appraisement: *Provided further*, That of said \$305,000 not to exceed \$5,000 may be used to control and eradicate the European fowl pest and similar diseases in poultry.

#### BUREAU OF DAIRY INDUSTRY

Salaries and expenses: For necessary expenses, including not to exceed \$332,325 for personal services in the District of Columbia, of the Bureau of Dairy Industry in carrying out the provisions of the Act of May 29, 1924 (1 U. S. C. 401-404), including investigations, experiments, and demonstrations in dairy industry, cooperative investigations of the dairy industry in the vari-



ous States, for carrying out the applicable provisions of the Acts of May 9, 1902 (26 U. S. C. 2325, 2326 (c), 2327 (b), and August 10, 1812 (26 U. S. C. 2337 (c)), relating to process or renovated butter, and the Act of May 23, 1908 (21 U. S. C. 94 (a)) insofar as it relates to the exportation of process or renovated butter, \$742,300.

## BUREAU OF PLANT INDUSTRY, SOILS, AND AGRICULTURAL ENGINEERING

### SALARIES AND EXPENSES

For expenses, independently or in cooperation with public or private agencies, including individuals, necessary for investigations, experiments, and demonstrations in connection with the production and improvement of farm crops and other plants and plant industries; soils and soil-plant relationships, and the application of engineering principles to agriculture; plant diseases, including nematodes, and methods for their prevention and control; plant and plant-disease collections and surveys; the distribution of weeds and means for their control; methods of handling, processing, transportation, and storage of agricultural products; and plants in foreign countries and our possessions for introduction into the United States, including explorations and surveys, and propagation and testing in this country; for the operation and maintenance of airplanes and the purchase of not to exceed two; and for personal services in the city of Washington and elsewhere, as follows:

Field Crops: For investigations on the production, improvement, and diseases of alfalfa, barley, clover, corn, cotton, flax, grasses, oats, rice, rubber crops, sorghums, soybeans, sugar beets, sugarcane, tobacco, wheat, and other field crops, \$1,983,900.

Fruit, vegetable, and specialty crops: For investigations on the production, improvement, and diseases of fruit, vegetable, nut, ornamental, drug, condiment, oil, insecticide, and related crops and plants, \$1,572,000.

Forest diseases: For investigations of diseases of forest and shade trees and forest products, and methods for their control, \$252,700.

Soils, fertilizers, and irrigation: For investigations of soil management methods to increase and maintain productivity, including fertilization, liming, crop rotations, tillage practices, and other means of improving soils; fertilizers, fertilizer ingredients, and their improvement for agricultural use; soil management and crop production on dry and irrigated lands, and the quality of irrigation water and its use by crops; and for the classification of soils in a national system and indication of their extent and distribution and maps, and determination of their potential productivity under adapted cropping and improved soil management, \$913,000.

Agricultural engineering: For investigations involving the application of engineering principles to agriculture, including farm power and equipment, rural water supply and sanitation, and rural electrification; farm buildings and their appurtenances and buildings for processing and storing farm products, and the prepara-



tion and distribution of building plans and specifications; cotton ginning, and other engineering problems relating to the production, processing, transportation, and storage of agricultural products, \$445,500.

National Arboretum: For the maintenance and development of the National Arboretum established under the provisions of the Act entitled "An Act authorizing the Secretary of Agriculture to establish a National Arboretum, and for other purposes", approved March 4, 1927 (20 U. S. C. 191-194), including travel expenses of the advisory counsel, \$26,800, of which not to exceed \$2,500 may be expended for employment pursuant to the second sentence of section 706 (a) of the Act of September 21, 1944 (Public Law 425).

## BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

### SALARIES AND EXPENSES

For expenses, independently or in cooperation with public or private agencies, including individuals, corporations, or foreign governments, necessary for investigations, experiments, demonstrations and surveys for the promotion of economic entomology, for investigating and ascertaining the best means of destroying insects and related pests injurious to agriculture, for importing useful and beneficial insects and bacterial, fungal, and other diseases of insects and related pests, for investigating and ascertaining the best means of destroying insects affecting man and animals, and the best ways of utilizing beneficial insects, for carrying into effect the provisions of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 151-167), the Honey Bee Act (7 U. S. C. 281-282), the Insect Pest Act (7 U. S. C. 141-144), the Mexican Border Act (7 U. S. C. 149) and the Department of Agriculture Organic Act of 1944 (Public Law 425), authorizing the eradication, control, and prevention of spread of injurious insects and plant pests; including the operation and maintenance of airplanes and the purchase of not to exceed seven, and not to exceed \$544,493 for personal services in the District of Columbia, as follows:

Insects investigations: For the investigation of insects affecting fruits, grapes, nuts, trees, shrubs, forests and forest products, truck and garden crops, cereal, forage and range crops, cotton, tobacco, sugar plants, ornamental and other plants and agricultural products, household possessions, and man and animals; for bee culture and apiary management; for classifying, identifying, and collecting information to determine the distribution and abundance of insects; for investigations in connection with introduction of natural enemies of injurious insects and related pests and for the exchange with other countries of useful and beneficial insects and other arthropods; for developing methods, equipment, and apparatus to aid in enforcing plant quarantines and in the eradication and control of insects pests and plant diseases; and for investigations of insecticides and fungicides, including methods of their manufacture and use and the effects of their application, \$2,114,900.



Insect and plant disease control: For carrying out operations or measures to eradicate, suppress, control, or to prevent or retard the spread of Japanese beetle, sweetpotato weevil, Mexican fruitless, gypsy and brown-tail moths, utch elm disease, phony peach and peach mosaic, cereal rusts, and pink bollworm and *Thurberia* weevil, including the enforcement of quarantine regulations and cooperation with States to enforce plant quarantines as authorized by the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 151-167), and including the establishment of such cotton-free areas as may be necessary to stamp out any infestation of the pink bollworm as authorized by the Act of February 8, 1930 (46 Stat. 67), and for the enforcement of domestic plant quarantines through inspection in transit, including the interception and disposition of materials found to have been transported interstate in violation of Federal plant quarantine laws or regulations, and operations under the Terminal Inspection Act (7 U. S. C. 166), \$2,298,300; *Provided*, That no part of this appropriation shall be used to pay the cost or value of trees, farm animals, farm crops, or other property injured or destroyed; *Provided further*, That, in the discretion of the Secretary, no part of this appropriation shall be expended for the control of sweetpotato weevil in any State until such State has provided cooperation necessary to accomplish this purpose, or for barberry eradication until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by States, counties, or local authorities, or by individuals or organizations for the accomplishment of this purpose: *Provided further*, That, in the discretion of the Secretary, no expenditures from this appropriation shall be made for applying methods of control of the Dutch elm disease in any State where measures for the removal and destruction of trees on non-Federal lands suffering from the Dutch elm disease are not in force, provided such removal and destruction are deemed essential or appropriate for the carrying on of the control program, nor until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals, or organizations concerned: *Provided, however*, That expenditures incurred for removal of trees infected with Dutch elm disease from non-Federal lands shall not be considered a part of such appropriations, subscriptions, or contributions: *Provided further*, That no part of this appropriation shall be expended for the removal and destruction of trees infected with the Dutch elm disease except where such trees are located on property owned or controlled by the Government of the United States, or on property included within local experimental control areas.

Foreign plant quarantines: For operations against the introduction of insect pests or plant diseases into the United States, including the enforcement of foreign plant quarantines and regulations promulgated under sections 5 and 7 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 151-167), the Insect Pest Act of 1905 (7 U. S. C. 141-144), and the Mexican Border Act of 1942 (7 U. S. C. 149), for enforcement of domestic plant quarantines as they pertain to territories of the United



States and enforcement of regulations governing the movement of plans into and from the District of Columbia promulgated under section 15 of the Plant Quarantine Act of August 20, 1912, as amended, and for inspection and certification of plants and plant products to meet the sanitary requirements of foreign countries, as authorized in section 102 of the Department of Agriculture Organic Act of 1944 (Public Law 425), \$1,027,000.

#### CONTROL OF EMERGENCY OUTBREAKS OF INSECTS AND PLANT DISEASES

To enable the Secretary to carry out the provisions of and for expenditures authorized by the joint resolution approved May 9, 1938 (7 U. S. C. 148-148e), including the operation and maintenance of airplanes and the purchase of not to exceed three, and surveys and control operations in Canada in cooperation with the Canadian Government or local Canadian authorities, and the employment of Canadian citizens, \$2,700,000.

#### BUREAU OF AGRICULTURAL AND INDUSTRIAL CHEMISTRY

##### SALARIES AND EXPENSES

For investigations, experiments, and demonstrations hereinafter authorized, independently or in cooperation with other branches of the Department, other departments or agencies of the Federal Government, States, State agricultural experiment stations, universities, and other State agencies and institutions, counties, municipalities, business, farm, or other organizations and corporations, individuals, associations, and scientific societies, including the employment of necessary persons and means in the city of Washington and elsewhere, of which not to exceed \$176,528 may be expended for personal services in the District of Columbia, as follows:

Agricultural chemical investigations: For conducting the investigations contemplated by the Act of May 15, 1862 (5 U. S. C. 511, 512), relating to the application of chemistry to agriculture; for the biological, chemical, physical, microscopical, and technological investigation of foods, feeds, drugs, plant and animal products, and substances used in the manufacture thereof; for investigations of the physiological effects and for the pharmacological testing of such products and of insecticides; for the investigation and development of methods for the manufacture of sugars, sugar sirups, and starches and the utilization of new agricultural materials for such purposes; for the technological investigation of the utilization of fruits and vegetables and for frozen pack investigations; and to cooperate with associations and scientific societies in the development of methods of analysis, \$350,000.

Naval-stores investigations: For the investigation of naval stores (turpentine and rosin) and their components; the investigation and experimental demonstration of improved equipment, methods, or processes of preparing naval stores; the weighing, storing, handling, transportation, and utilization of naval stores; and for the assembling and compilation of data on pro-



duction, distribution, and consumption of turpentine and rosin, pursuant to the Act of August 15, 1935 (5 U. S. C. 556b), \$125,000.

Regional research laboratories: For continuing the researches established under the provisions of section 202 (a) to 202 (e), inclusive, of title II of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1292), including research on food products of farm commodities, \$4,000,000.

#### BUREAU OF HUMAN NUTRITION AND HOME ECONOMICS

Salaries and expenses: For necessary expenses, including not to exceed \$236,184 for personal services in the District of Columbia, of the Bureau of Human Nutrition and Home Economics for conducting, either independently or in cooperation with other agencies, investigations of the relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes, and such economic investigations, including housing and household buying, as have for their purpose the improvement of the rural home, and for disseminating useful information on this subject, \$850,000.

#### WHITE PINE BLISTER RUST CONTROL

For expenses necessary to enable the Secretary to carry out the purposes of the Act entitled "An Act for forest protection against the white pine blister rust", approved April 26, 1940 (16 U. S. C. 594a), and in accordance with the provisions thereof, including the employment of persons and means in the District of Columbia and elsewhere, \$2,923,867, of which amount \$259,838 shall be available to the Department of the Interior for control of white pine blister rust on or endangering Federal lands under the jurisdiction of that Department or lands of Indian tribes which are under the jurisdiction of or retained under restrictions of the United States; \$1,266,066 of said amount to the Forest Service for the control of white pine blister rust on or endangering lands under its jurisdiction; and \$1,397,963 of said amount to the Bureau of Entomology and Plant Quarantine for leadership and general coordination of the entire program, method development, and for operations conducted under its direction for such control, including, but not confined to, cooperation with individual States, local authorities and private agencies in the control of white pine blister rust on or endangering State and privately owned lands.

#### FOREST SERVICE

##### SALARIES AND EXPENSES

For the employment of persons and means in the District of Columbia and elsewhere, including not to exceed \$842,861 for departmental personal services in the District of Columbia, and to enable the Secretary to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United



States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water-supply or sanitary system and of connecting the same with any such building, and exclusive of the cost of any tower upon which a lookout house may be erected, shall not exceed \$10,000, with the exception that any building erected, purchased, or acquired, the cost of which was \$10,000 or more, may be improved out of the appropriations made under this Act for the Forest Service by an amount not to exceed 2 per centum of the cost of such building as certified by the Secretary; to protect, administer, and improve the national forests, including tree planting and other measures to prevent erosion, drift, surface wash, soil waste, and the formation of floods, and to conserve water; to ascertain the natural conditions upon and utilize the national forests, to transport and care for fish and game supplied to stock the national forests or the waters therein; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase law books, reference and technical books, and technical journals for officers of the Forest Service stationed outside of Washington: *Provided further*, That not to exceed \$1,500 may be expended for the contribution of the United States to the cost of the office of the secretariat of the International Union of Forest Research Stations and of the Department of Timber Utilization of the Comite International du Bois, as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the Chief Forester at \$9,200 per annum, for the necessary expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U. S. C. 514), and for other personal services in the District of Columbia, \$542,000.

National forest protection and management: For the administration, protection, use, maintenance, improvement, and development of the national forests, including the establishment and maintenance of forest tree nurseries, including the procurement of tree seed and nursery stock by purchase, production, or otherwise, seeding and tree planting and the care of plantations and young growth; the operation and maintenance of airplanes and the purchase of not to exceed eight; the maintenance of roads and trails and the construction and maintenance of all other improvements necessary for the proper and economical administration, protection, development, and use of the national forests, including experimental areas under Forest Service administration, except that where, in the opinion of the Secretary, direct purchases will be more economical than construction, improvements may be purchased; the construction (not to exceed \$10,000 for any one structure), equipment, and maintenance of sanitary and recreational facilities; control of destructive forest tree diseases



and insects; timber cultural operations; development and application of fish and game management plans; propagation and transplanting of plants suitable for planting on semiarid portions of the national forests; estimating and appraising of timber and other resources and development and application of plans for their effective management, sale, and use; examination, classification, surveying, and appraisal of land incident to effecting exchanges authorized by law and of lands within the boundaries of the national forests that may be opened to homestead settlement and entry under the Act of June 11, 1906, and the Act of August 10, 1912 (16 U. S. C. 506-509), as provided by the Act of March 4, 1913 (16 U. S. C. 512); investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests; and all expenses necessary for the use, maintenance, improvement, protection, and general administration of the national forests, \$16,649,100.

**Fighting forest fires:** For fighting and preventing forest fires on or threatening lands under Forest Service administration, including lands under contract for purchase or in process of condemnation for Forest Service purposes, \$100,000, which amount shall also be available for meeting obligations of the preceding fiscal year.

**Forest research:** For forest research in accordance with the provisions of sections 1, 2, 7, 8, 9, and 10 of the Act entitled "An Act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects", approved May 22, 1928, as amended (16 U. S. C. 581, 581a, 581f-581i), as follows:

**Forest management:** Fire, silvicultural, watershed, and other forest investigations and experiments under said section 2, as amended, at forest experiment stations or elsewhere, \$970,900.

**Range investigations:** Investigations and experiments to develop improved methods of management of forest and other ranges under section 7, at forest or range experiment stations or elsewhere, \$337,500.

**Forest products:** Experiments, investigations, and tests of forest products under section 8, at the Forest Products Laboratory, or elsewhere, \$1,228,900.

**Forest resources investigations:** A comprehensive forest survey under section 9, and investigations in forest economics under section 10, \$204,600.

#### FOREST-FIRE COOPERATION

For cooperation with the various States or other appropriate agencies in forest-fire prevention and suppression and the protec-



tion of timbered and cut-over lands in accordance with the provisions of sections 1, 2, and 3 of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor", approved June 7, 1924, as amended (16 U. S. C. 564-570), \$7,300,000, of which not to exceed \$57,584 and \$5,000 shall be available for personal services and for the purchase of supplies and equipment, respectively, in the District of Columbia.

#### FARM AND OTHER PRIVATE FORESTRY COOPERATION

To enable the Secretary (1) to carry into effect, through such agencies of the Department as he may designate, the provisions of the Cooperative Farm Forestry Act, approved May 18, 1937 (16 U. S. C. 568b), (not to exceed \$495,957) and the provisions of sections 4 (not to exceed \$83,700) and 5 (not to exceed \$65,100), of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor", approved June 7, 1924 (16 U. S. C. 567-568), and Acts supplementary thereto; and (2) through the Forest Service to cooperate with and advise timberland owners and associations, wood-using industries or other appropriate agencies in the application of forest management principles to federally owned lands leased to States and to private forest lands, so as to attain sustained-yield management, the conservation of the timber resources, the productivity of forest lands, and the stabilization of employment and economic continuance of forest industries, not to exceed \$87,743; in all, not to exceed \$732,500, of which not to exceed \$39,870 may be expended for personal services in the District of Columbia; the purchase of reference books and technical journals; not to exceed \$30,000 for the construction, alteration, or purchase of necessary buildings, and other improvements: *Provided*, That in carrying into effect the provisions of the Cooperative Farm Forestry Act, no part of this appropriation shall be used to establish new nurseries or to acquire land for the establishment of such new nurseries.

#### FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921, as amended (23 U. S. C. 23, 23a), and for the construction, reconstruction, and maintenance of roads and trails on experimental areas under Forest Service administration, (1) \$4,418,778 for forest development roads and trails (including not to exceed \$68,846 for personal services in the District of Columbia), and (2) \$1,500,000 for maintenance and reconstruction of forest highways, which latter sum is part of the balance of the amount of \$5,714,222 authorized to be appropriated for the fiscal year 1942 by the Act of September 5, 1940 (54 Stat. 867, Public Law 780—Seventy-sixth Congress), in all, \$5,918,778, to be immediately available and to re-



main available until expended: *Provided*, That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings necessary for the storage and repair of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased, altered, or constructed under this authorization shall not exceed \$10,000, with the exception that any building erected, purchased, or acquired, the cost of which was \$10,000 or more, may be improved within any fiscal year by an amount not to exceed 2 per centum of the cost of such building as certified by the Secretary, and that \$10,200 may be expended for the installation of a heating plant in, and for other betterments to the Sellwood shop buildings in Portland, Oregon.

#### EMERGENCY RUBBER PROJECT

For all expenses necessary to enable the Secretary to carry into effect the Act of March 5, 1942, as amended (7 U. S. C. 171-175), including personal services in the District of Columbia and elsewhere; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); purchase of books of reference and periodicals; erection of necessary buildings; procurement of medical supplies or services for emergency use in the field, and the acceptance of donations of land and rubber-bearing plants, and furnishing to employees daily transportation between points of assembly and work projects, there is hereby continued available, in accordance with section 3 of said Act of March 5, 1942, not to exceed \$4,253,662 of the unobligated balances of appropriations made under this head for the fiscal years 1942 and 1943, which balances shall be merged with the appropriation made under this head in the Department of Agriculture Appropriation Act, 1944: *Provided*, That any proceeds from the sales of guayule, rubber processed from guayule, or other rubber-bearing plants, or from other sales, rentals, and fees resulting from operations under such Act of March 5, 1942, as amended, shall be covered into the Treasury as miscellaneous receipts.

#### WAR FOOD ADMINISTRATION

Salaries and expenses: For expenses necessary to enable the War Food Administration to perform its functions, including those prescribed by Executive Orders 9280, 9310, 9322, 9328, and 9334, independently or in cooperation (by transfer of funds or otherwise) with public and private agencies and individuals, other personal services in the District of Columbia and elsewhere, including not to exceed \$25,000 for employment pursuant to the second sentence of section 706 (a) of the Act of September 21, 1944 (Public Law 425); actual transportation and other necessary expenses, and not to exceed \$10 per diem in lieu of subsistence, of persons serving while away from their permanent homes in an advisory capacity to or employed by the War Food Administration, without other compensation from the United States, except that such expenditures shall not exceed \$115,000; printing and binding; the purchase of lawbooks, books of reference, periodicals, and not to exceed \$700 for newspapers; and the purchase of one,



operation, and maintenance of two passenger-carrying vehicles in the District of Columbia; \$14,986,472, including \$275,000 for the wage stabilization program, and, in the absence of other governing statute, the provisions of law applicable to such program during the fiscal year 1945 are continued during the current fiscal year: *Provided*, That none of the funds herein appropriated shall be used for the promulgation or execution of orders under which assessments are made against producers or handlers of agricultural products, excepting walnuts, for administration of such orders: *Provided further*, That no part of this appropriation shall be used for agricultural wage stabilization with respect to any commodity unless a majority of the producers of such commodity within the area affected participating in a referendum or meeting held for that purpose request the intervention of the Administrator of the War Food Administration.

#### COMMODITY CREDIT CORPORATION

Salaries and administrative expenses: Not to exceed \$6,565,000 of the funds of the Commodity Credit Corporation shall be available for administrative expenses of the Corporation in carrying out its activities as authorized by law, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; lawbooks and books of reference; not to exceed \$400 for periodicals, maps, and newspapers; procurement of supplies, equipment, and services; rent in the District of Columbia; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That none of the fund made available by this paragraph shall be obligated or expended unless and until an appropriate appropriation account shall have been established therefor pursuant to an appropriation warrant or a covering warrant, and all such expenditures shall be accounted for and audited in accordance with the Budget and Accounting Act of 1921, as amended: *Provided further*, That none of the fund made available by this paragraph shall be used for administrative expenses connected with the sale of Government-owned or Government-controlled stocks of farm commodities at less than parity price as defined by the Agricultural Adjustment Act of 1938 or the comparable price as provided by section 4 (a) of the Act of July 1, 1941, as amended (15 U. S. C. 713a-8); and the method that is now used for the purposes of Commodity Credit Corporation loans for determining the parity price or its equivalent for 7/8-inch Middling cotton at the average location used in fixing the



base loan rate for cotton shall also be used for determining the parity price for  $\frac{7}{8}$ -inch Middling cotton at such average location for the purposes of this proviso: *Provided further*, That the foregoing shall not apply to the sale or other disposition of any agricultural commodity substantially deteriorated in quality (or in the case of perishable fruits, vegetables, and animal products if there is danger of deterioration or of accumulation of stocks) or sold for the purpose of feeding, or the extraction of peanut oil, or commodities disposed of for export pursuant to section 21 (c) of the Surplus Property Act of 1944 (Public Law 457) or commodities sold to farmers for seed or for new or byproduct uses, or commodities sold for the purpose of establishing claims against persons who have committed fraud, misrepresentations, or other wrongful acts with respect to such commodities: *Provided further*, That no wheat or corn shall be sold for feed at a price less than the parity price of corn at the time such sale is made: *Provided further*, That in making regional adjustments in the sale price of corn or wheat the minimum price need not be higher in any area than the United States average parity price of corn.

#### CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES

For all expenses necessary to enable the Secretary to carry into effect the provisions of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U. S. C. 590g-590q), and the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281-1407) (except the provisions of sections 201, 202, 303, 381, and 383 and the provisions of titles IV and V), including personal services in the District of Columbia and elsewhere; not to exceed \$6,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States; purchase of lawbooks, books of reference; periodicals; \$300,000,000, together with \$13,000,000 of the unobligated balance of the appropriation "Parity payments" in the Department of Agriculture Appropriation Act, 1944, in all \$313,00,000, to remain available until December 31, 1946, for compliance with programs under said provisions of the Agricultural Adjustment Act of 1938, as amended, and the Act of February 29, 1936, as amended, pursuant to the provisions of the 1945 programs carried out during the period July 1, 1944, to December 31, 1945, inclusive, and, in addition, \$12,500,000 for making additional payments on an acreage and pound basis for harvesting seeds of grasses and legumes determined by the War Food Administrator to be necessary for an adequate supply of such seeds and \$29,750,000 for making payments pursuant to section 5 of the Act of December 23, 1944 (Public Law 551): *Provided*, That not to exceed \$22,911,200 of the total sum provided under this head shall be available during the current fiscal year, for salaries and other administrative expenses for carrying out such programs; but not more than \$6,382,103 shall be transferred to the appropriation account, "Administrative expenses, Agricultural Adjustment Agency": *Provided further*, That none of the funds herein appropriated or made available for the functions assigned to the



Agricultural Adjustment Agency pursuant to the Executive Order (No. 9069) of February 23, 1942, shall be used to pay the salaries or expenses of any regional information employees or any State or county information employees, but this shall not preclude the answering of inquiries or supplying of information to individual farmers: *Provided further*, That such amount shall be available for salaries and other administrative expenses in connection with the formulation and administration of the 1946 programs of soil-building practices and soil- and water-conservation practices, under the Act of February 29, 1936, as amended, and programs under the Agricultural Adjustment Act of 1938, as amended, the total expenditures of which, including administration, shall not exceed \$300,000,000; but the payments or grants under such program shall be conditioned upon the utilization of land with respect to which such payments or grants are to be made, in conformity with farming practices which will encourage and provide for soil-building and soil- and water-conserving practices in the most practical and effective manner and adapted to conditions in the several States, as determined and approved by the State committee of the Agricultural Adjustment Agency for the respective States: *Provided further*, That no part of such amounts shall be available after the end of the current fiscal year for salaries and other administrative expenses except for payment of obligations therefor incurred prior to the end of such year: *Provided further*, That the Secretary, may, in his discretion, from time to time transfer to the General Accounting Office such sums as may be necessary to pay administrative expenses of the General Accounting Office in auditing payments under this item: *Provided further*, That such amount shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary in the 1945, 1946, and 1947 programs under said Act of February 29, 1936, as amended: *Provided further*, That no part of any funds available to the Department of Agriculture, the War Food Administration, or any bureau, office, corporation, or other agency constituting a part of such Department or Administration shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of section 6 of the Act of July 11, 1919 (18 U. S. C. 201), to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels: *Provided further*, That none of the funds appropriated in this Act for the War Food Administration or any of its constituent agencies shall be paid out for the salary, per diem allowance, or expenses of any person after it is determined by the War Food Administrator that such person has,



personally or by letter, demanded that a farmer join the triple-A program as a condition of draft deferment or for the granting of a priority certificate for any rationed article or commodity. Hearings on charges filed with the War Food Administrator shall be held and decision made within thirty days after such charges are filed with him.

#### FEDERAL CROP INSURANCE ACT

Administrative and operating expenses: For operating and administrative expenses under the Federal Crop Insurance Act, as amended (7 U. S. C. 1501-1518), as amended by the Act of December 23, 1944 (Public Law 551), \$7,984,900, including personal services in the District of Columbia, printing and binding, purchase of books of reference and periodicals, and not to exceed \$700 for newspapers.

#### SOIL CONSERVATION SERVICE

To carry out the provisions of "An Act to provide for the protection of land resources against soil erosion, and for other purposes", approved April 27, 1935 (16 U. S. C. 590a-590f), which provides for a national program of erosion control and soil and water conservation to be carried out directly and in cooperation with other agencies, including the employment of persons and means in the District of Columbia and elsewhere (but not to exceed \$870,000 may be expended for personal services in the District of Columbia), purchase of books and periodicals, maintenance, repair, and operation of one passenger-carrying automobile in the District of Columbia, furnishing of subsistence to employees, training of employees, operation and maintenance of aircraft, and the purchase and erection or alteration of permanent buildings: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same with any such building, shall not exceed \$2,500 except where buildings are acquired in conjunction with and being purchased for other purposes and except for eight buildings to be constructed at a cost not to exceed \$15,000 per building: *Provided further*, That no money appropriated in this Act shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That in the State of Missouri where the State has established a central State agency authorized to enter into agreements with the United States or any of its agencies on policies and general programs for saving of its soil by the extension of Federal aid to any soil conservation district in such State, the agreements made by or on behalf of the United States with any such conservation district shall have the prior approval of such central State agency before they shall become effective as to such district, as follows:

Soil conservation research: For research and investigations into the character, cause, extent, history, and effects of erosion, soil and moisture depletion and methods of soil and water conservation (including the construction and hydrologic phases of farm irrigation and land drainage); and for construction, opera-



tion, and maintenance of experimental watersheds, stations, laboratories, plots, and installations, \$1,063,000.

Soil conservation operations: For carrying out preventive measures to conserve soil and water, including such special measures as may be necessary to prevent floods and the siltation of reservoirs, and including the improvement of farm irrigation and land drainage, the establishment and operation of conservation nurseries, the making of conservation plans and surveys, and the dissemination of information, \$28,636,800: *Provided*, That no part of this appropriation may be expended for soil and water conservation operations in demonstration projects.

Erosion control, Everglades region, Florida: For research and demonstration work in soil conservation control measures, including research and demonstration work in fire control and irrigation construction work to eliminate fire hazards, in the Everglades region of Florida, \$54,500: *Provided*, That no expenditures shall be made for these purposes until a sum at least equal to such expenditures shall have been made available by the State of Florida, or a political subdivision thereof, for the same purposes.

#### LAND UTILIZATION AND RETIREMENT OF SUBMARGINAL LAND

To enable the Secretary to carry out the provisions of title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1010-1013), including the employment of persons and means in the District of Columbia and elsewhere, \$1,087,300.

#### SCHOOL LUNCH PROGRAM

Not exceeding \$50,000,000 of the funds appropriated by and pursuant to section 32, as amended, of the Act of August 24, 1935 (7 U. S. C. 612 (c)), may also be used during the current fiscal year to provide food for consumption by children in non-profit schools of high-school grade or under and for child-care centers through (a) the purchase, processing, and exchange, and the distribution of agricultural commodities and products thereof; or (b) the making of payments to such schools and centers or agencies having control thereof in connection with the purchase and distribution of agricultural commodities in fresh or processed form and, when desirable, for the processing and exchange of such commodities and their products; or (c) by such other means as the Secretary may determine: *Provided*, That funds made available hereunder for a school lunch program shall be apportioned for expenditure in the States, Territories, possessions, and the District of Columbia in accordance with school enrollment and need, as determined by the Secretary, except that if program participation in any State, Territory, possession, or the District of Columbia does not require all funds so apportioned, the Secretary may reapportion such excess funds to such other States, Territories, possessions, or the District of Columbia in consideration of need, as he may determine: *Provided further*, That benefits under (b) of this paragraph to schools or child-care centers or other sponsoring agencies shall in no case, exceed the cost of the agricultural commodities or products thereof



purchased by the school or childcare center or other sponsoring agencies as established by certificates executed by the authorized representative of the sponsoring agency: *Provided further*, That such sponsoring agency shall maintain accounts and records clearly establishing costs of agricultural commodities or products furnished in the program and that such accounts and records shall be available for audit by representatives of the Department of Agriculture: *Provided further*, That these funds may be used for, or to make payments in connection with, the purchase of such agricultural commodities and for exchanging, distributing, disposing, transporting, storing, processing, inspection, commission, and other incidental costs and expenses without regard to the provisions of section 3709 of the Revised Statutes and without regard to the 25 per centum limitation contained in said section 32: *Provided further*, That not more than 2 per centum of the funds made available hereunder for a school lunch program shall be used to provide food for children in child-care centers. The amount of funds available hereunder for a school lunch program used in any State, Territory, possession, or the District of Columbia during any fiscal year shall not exceed the total amount otherwise furnished for the same purpose by or on behalf of the school authorities and other sponsoring agencies in such State, Territory, possession, or District of Columbia including the value of donated services and supplies, as certified by the respective schools, care centers, or agencies having control thereof.

#### SUGAR ACT

To enable the Secretary to carry into effect the provisions, other than those specifically relating to the Philippine Islands, of the Sugar Act of 1937, approved September 1, 1937, as amended (7 U. S. C. 1100-1183), including the employment of persons and means, in the District of Columbia and elsewhere, as authorized by said Act, \$48,446,000, to remain available until June 30, 1947.

#### MARKETING SERVICE

For the employment of such persons and means in the city of Washington and elsewhere (including not to exceed \$1,228,446 for departmental personal services in the District of Columbia) as may be necessary in conducting investigations, experiments, and demonstrations, either independently or in cooperation with public or private agencies, organizations, or individuals, as follows:

Market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, cottonseed, and seeds, and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, \$1,125,300.)



**Market inspection of farm products:** For enabling the Secretary, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one of more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, canned, or otherwise processed, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered, \$474,000.

**Marketing farm products:** For acquiring and diffusing among the people of the United States useful information relative to the standardization, classification, grading, preparation for market, handling, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world, and for making analyses of cotton fiber as provided by the Act of April 7, 1941 (7 U. S. C. 473d), \$388,000.

**Tobacco Acts:** To enable the Secretary to carry into effect the provisions of "An Act to establish and promote the use of standards of classification for tobacco, to provide and maintain an official tobacco-inspection service, and for other purposes", approved August 23, 1935 (7 U. S. C. 511-511q), "An Act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture", approved January 14, 1929 (7 U. S. C. 501-508), as amended, and "An Act to prohibit the exportation of tobacco seed and plants, except for experimental purposes", approved June 5, 1940 (7 U. S. C. 516), \$1,000,000.

**Perishable Agricultural Commodities, Produce Agency, and Standard Container Acts:** To enable the Secretary to carry into effect the provisions of the Perishable Agricultural Commodities Act, approved June 10, 1930, as amended (7 U. S. C. 499a-499r), and the Act to prevent the destruction or dumping of farm produce, and for other purposes, approved March 3, 1927 (7 U. S. C. 491-497), the Standard Baskets Act, approved August 31, 1916, as amended (15 U. S. C. 251-256), and the Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, approved May 21, 1928 (15 U. S. C. 257-257i), \$181,600.

**Cotton Statistics, Classing, Standards, and Futures Acts:** To enable the Secretary to carry into effect the provisions of the Act authorizing him to collect and publish statistics of the grade and staple length of cotton, approved March 3, 1927, as amended by the Act of April 13, 1937 (7 U. S. C. 471-476), and to perform the duties imposed upon him by chapter 14 of the Internal



Revenue Code relating to cotton futures (26 U. S. C. 1920-1935), and to carry into effect the provisions of the United States Cotton Standards Act, approved March 4, 1923, as amended 7. U. S. C. 51-65), \$1,042,000.

United States Grain Standards Act: To enable the Secretary to carry into effect the provisions of the United States Grain Standards Act, \$741,000.

United States Warehouse Act: To enable the Secretary to carry into effect the provisions of the United States Warehouse Act, \$507,000.

Federal Seed Act: To enable the Secretary to carry into effect the provisions of the Act entitled "An Act to regulate interstate and foreign commerce in seeds; to require labeling and to prevent misrepresentation of seeds in interstate commerce; to require certain standards with respect to certain imported seeds; and for other purposes", approved August 9, 1939 (7 U. S. C. 1561-1610), \$102,400; *Provided*, That not to exceed \$250 of this amount may be used for meeting the share of the United States in the expenses of the International Seed Testing Congress.

Packers and Stockyards Act: For carrying out the provisions of the Packers and Stockyards Act, approved August 15, 1921, as amended by the Act of August 14, 1935 (7 U. S. C. 181-229), \$363,500.

Naval Stores Act: For enabling the Secretary to carry into effect the provisions of the Naval Stores Act of March 3, 1923 (7 U. S. C. 91-99), \$30,100.

Insecticide Act: For enabling the Secretary to carry into effect the provisions of the Act of April 26, 1910 (7 U. S. C. 121-134), entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded paris greens, lead arsenates, other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes", \$186,800.

Commodity Exchange Act: To enable the Secretary to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U. S. C. 1-17a), \$300,000.

Freight rates for farm products: To carry out the provisions of section 201 (a) to 201 (d), inclusive, of title II of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1291), \$84,200.

#### LOANS, GRANTS, AND RURAL REHABILITATION

To enable the Secretary through the War Food Administration to continue to provide assistance through rural rehabilitation and grants to needy farmers in the United States, its Territories and possessions, including (1) loans to needy individual farmers, (2) grants, (3) making and servicing of loans and grants under this and prior laws, (4) farm debt adjustment service, (5) liquidation as expeditiously as possible of Federal rural rehabilitation projects under the supervision of the War Food Administration, and (6) servicing and collecting loans made under the provisions of the Act of July 12, 1943, Public Law 140, as amended, \$22,357,264, together with not to exceed \$198,000 of the unobligated balance of the appropriation made to carry out the provisions of said Act, which sums shall be also available for nec-



essary administrative expenses incident to the foregoing, including personal services in the District of Columbia and elsewhere; not to exceed \$57,000 for employment pursuant to the second sentence of section 706 (a) of the Act of September 21, 1944 (Public Law 425); purchase of lawbooks, books of reference, periodicals, and not to exceed \$1,000 for newspapers; and printing and binding: *Provided*, That the War Food Administrator shall transmit to the Congress semiannually a progress report with respect to the liquidation of Federal rural rehabilitation projects, under his supervision, showing by name and by States all dispositions of such projects, or parts thereof, together with the amounts of Federal funds expended in the process of liquidation, and any losses incurred in the use of such funds.

In making any grant payments under this Act, the Secretary is authorized to require with respect to such payments the performance of work on useful projects, Federal and non-Federal, including work on private or public land in furtherance of the conservation of natural resources, and the provisions of the Act of February 15, 1934 (5 U. S. C. 796), as amended, relating to disability or death compensation, and benefits shall apply to those persons performing such work: *Provided*, That this section shall not apply to any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death.

For additional funds for the purpose of making rural rehabilitation loans to needy individual farmers, who are unable to obtain credit elsewhere at comparable rates for the area where such loan is proposed to be made, the Reconstruction Finance Corporation is authorized and directed to make advances to the Secretary upon his request in an aggregate amount of not to exceed \$67,500,000. Such advances shall be made (1) with interest at not to exceed the rate of 3 per centum per annum payable semiannually; (2) upon the security of obligations acceptable to the Corporation heretofore or hereafter acquired by the Secretary pursuant to law; (3) in amounts which shall not exceed 75 per centum of the then unpaid principal amount of the obligations securing such advances; and (4) upon such other terms and conditions, and with such maturities as the Corporation may determine. The Secretary shall pay to the Corporation, currently as received by him, all moneys collected as payments of principal and interest on the loans made from the amounts so advanced or collected upon any obligations held by the Corporation as security for such advances, until such amounts are fully repaid. The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under the provisions of law in force on the date this Act takes effect is hereby increased by an amount sufficient to carry out the provisions of this paragraph.

None of the moneys appropriated or otherwise authorized under this caption "Loans, grants, and rural rehabilitation", shall be used for (1) the purchase or leasing of land or for the



carrying on of any land-purchase or land-leasing program; or (2) the carrying on of any operations in collective farming, or cooperative farming, or the organization, promotions, or management of homestead associations, land-leasing associations, land-purchasing associations, or cooperative land purchasing for colonies of rehabilitants or tenant purchasers, except for the liquidation as expeditiously as possible of any such projects heretofore initiated; or (3) the making of loans to any individual farmer in excess of \$2,500; or (4) the making of loans to any cooperative association; or (5) the making of loans for the payment of dues to or the purchase of any share or stock interest in any cooperative association (except for medical, dental, or hospital services) or for any expenditure other than that deemed necessary, in the discretion of the Administrator, for the production of agricultural commodities.

The Secretary may expend funds administered by him as trustee under the various transfer agreements with the several State rural rehabilitation corporations only for purposes for which funds made available under this caption may be expended, and the limitations applicable to such funds shall also be applicable to the expenditure of such trust funds by the Secretary.

The appropriations and authorizations herein made under the heading "Loans, grants, and rural rehabilitation", shall constitute the total amount to be available for obligation under this heading during the current fiscal year and shall not be supplemented by funds from any source.

No part of the appropriation herein made under the heading "Loans, grants, and rural rehabilitation", shall be available to pay the compensation of any person appointed in accordance with the civil-service laws.

#### FARM TENANCY

To enable the Secretary through the War Food Administration to carry into effect the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), as follows:

**Salaries and expenses:** For necessary expenses in connection with the making of loans under title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), and the collection of moneys due the United States on account of loans heretofore made under the provisions of said Act, including the employment of persons and means in the District of Columbia and elsewhere, exclusive of printing and binding, as authorized by said Act, \$2,500,000.

**Loans:** For loans to individual farmers in accordance with title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006) and section 505 (b) of the Servicemen's Readjustment Act of 1944 (Public Law 346), \$50,000,000, including \$25,000,000 for loans to eligible veterans which may be distributed, without regard to the provisions of section 4 of the Bankhead-Jones Farm Tenant Act, among the States and Territories in such amounts as are necessary to make such loans, which sums shall be borrowed from the Reconstruction Finance



Corporation at an interest rate of not to exceed 3 per centum per annum and no loan, excepting those to eligible veterans, shall be made in an amount greater than 15 per centum above the census value of the average farm unit of thirty acres and more in the county, parish, or locality where the purchase is made, as determined by the 1940 farm census; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum to the Secretary upon the security of any obligations of borrowers from the Secretary under the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006): *Provided*, That the amount loaned by the Reconstruction Finance Corporation shall not exceed 85 per centum of the principal amount outstanding of the obligations constituting the security therefor: *Provided further*, That the Secretary may utilize proceeds from payments of principal and interest on any loans made under such title I to repay the Reconstruction Finance Corporation the amount borrowed therefrom under the authority of this paragraph: *Provided further*, That the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions hereof.

#### WATER FACILITIES, ARID AND SEMIARID AREAS

To enable the Secretary to carry into effect the provisions of the Act entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes", approved August 28, 1937, as amended (16 U. S. C. 590r-590x, 590z-5), \$1,000,000, of which not to exceed \$11,000 may be expended for personal services in the District of Columbia.

#### WATER CONSERVATION AND UTILIZATION PROJECTS

For expenses necessary to enable the Secretary, through such agencies of the Department as he may designate, to carry into effect the functions of the Department under the Act of October 14, 1940 (16 U. S. C. 590y-z-10), as amended, relating to the construction, operation, and maintenance of water conservation and utilization projects, \$1,165,066, to be immediately available and to remain available until expended, which sum shall be merged with the unexpended balances of funds heretofore appropriated or transferred to said Department for the purposes of said Act, including personal services in the District of Columbia; purchase of books of reference and periodicals; and leveling or otherwise preparing such lands for the utilization of irrigation water, irrespective of ownership.

#### RURAL ELECTRIFICATION ADMINISTRATION

To enable the Secretary to carry into effect the provisions of the Rural Electrification Act of 1936, approved May 20, 1936, as amended (7 U. S. C. 901-914), as follows:



Salaries and expenses: For administrative expenses and expenses of studies, investigations, publications, and reports including the salary of the Administrator, Rural Electrification Administration, and other personal services in the District of Columbia and elsewhere; purchase and exchange of books, lawbooks, books of reference, directories, and periodicals; not to exceed \$300 for newspapers; and not to exceed \$500 for financial and credit reports, \$3,200,000.

Loans: For loans in accordance with sections 3, 4, and 5 of said Act, and for carrying out the provisions of section 7 thereof, \$80,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation in accordance with the provisions of section 3 (a) of said Act.

## FARM CREDIT ADMINISTRATION

### SALARIES AND EXPENSES

For salaries and expenses of the Farm Credit Administration in the District of Columbia and the field, including printing and binding; travel expenses, including not to exceed \$5,000 for travel incurred under proper authority attending meetings or conventions of members of organizations at which matters of importance to the work of the Farm Credit Administration are to be discussed or transacted; lawbooks, books of reference, and not to exceed \$750 for periodicals and newspapers; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; not to exceed \$20,000 for expenditures authorized by section 602 of the Act of September 21, 1944 (Public Law 425); purchase of one, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles in the District of Columbia and elsewhere; garage rental in the District of Columbia; payment of actual transportation and other necessary expenses and not to exceed \$10 per diem in lieu of subsistence of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Farm Credit Administration, except that such expenditures shall not exceed \$10,000; necessary administrative expenses in connection with the making of loans under the provisions of the Act of January 29, 1937 (12 U. S. C. 1020i-1020n, 1020o), and the collection of moneys due the United States on account of loans made under the provisions of said Act and similar Acts administered by the Farm Credit Administration relating to loans for crop production, feed, seed, and harvesting; examination of corporations, banks, associations, and institutions operated, supervised, or regulated by the Farm Credit Administration; in all, \$526,000, together with not to exceed \$3,845,209 from the funds made available to the Farm Credit Administration pursuant to the Act of January 29, 1937 (12 U. S. C. 1020i-1020n, 1020o). Collections made pursuant to section 601 of the Act of September 21, 1944 (Public Law 425), are hereby made available to reimburse this appropriation for the cost of examining and supervising the corpora-



tions, banks, associations, and other organizations as provided in said section.

Farmers' crop production and harvesting loans: For loans to farmers under the Act of January 29, 1937 (12 U. S. C. 1020i-1020n, 1020o), as amended by the Acts of February 4, 1938 (Public Resolution 78), June 30, 1939 (Public Law 159), June 25, 1940 (12 U. S. C. 1020n-1), July 1, 1941 (Public Law 144), July 22, 1942 (Public Law 674), July 12, 1943 (Public Law 129), and June 28, 1944 (Public Law 367), the unobligated balance (exclusive of the amount of such balance made available for "Salaries and expenses, Farm Credit Administration, 1946") of the appropriation "Crop production and harvesting loans" as made in the First Deficiency Appropriation Act, fiscal year 1937 (Act of February 9, 1937, Public Law 4), and as continued available by the Acts of February 4, 1938 (Public Resolution 78), June 30, 1939 (Public Law 159), June 25, 1940 (12 U. S. C. 1020n-1), July 1, 1941 (Public Law 144), July 22, 1942 (Public Law 674), July 12, 1943 (Public Law 129), and June 28, 1944 (Public Law 367), is hereby made available, together with all collections of principal and interest on loans heretofore or hereafter made under said Act of January 29, 1937 (12 U. S. C. 1020i-1020n, 1020o).

#### FEDERAL FARM MORTGAGE CORPORATION

Not to exceed \$6,450,000 of the funds of the Federal Farm Mortgage Corporation, established by the Act of January 31, 1934 (12 U. S. C. 1020-1020h), shall be available during the current fiscal year for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses of officers and employees of the Corporation, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding, lawbooks, books of reference, and not to exceed \$250 for periodicals and newspapers; contract stenographic reporting services; procurement of supplies, equipment, and services; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes; rent in the District of Columbia; payment of actual transportation and other necessary expenses and not to exceed \$10 per diem in lieu of subsistence of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Corporation; employment on a contract or fee basis of persons, firms, and corporations for the performance of special services, including legal services; use of the services and facilities of Federal land banks, national farm loan associations, Federal Reserve banks, and agencies of the Government as authorized by said Act of January 31, 1934; and all other necessary administrative expenses: *Provided*, That except for the limitation in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accord-



ance with the provisions of said Act of January 31, 1934, as amended (12 U. S. C. 1016-1020h).

### GENERAL PROVISIONS

SEC. 2. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation or expenses of any officer or employee of the Department of Agriculture, or any bureau, office, agency, or service of the Department, or any corporation, institution, or association supervised thereby, who makes or approves, or directs or authorizes any other officer or employee of the Department or of any such bureau, office, agency, service, corporation, institution, or association to make or approve, (1) any loan or advance under the provisions of food production financing bulletins F-1 or F-2, issued by the Farm Credit Administration operating under the Food Production Administration, Production Loans Branch, as heretofore or hereafter amended, unless (a) the applicant represents in writing and it is administratively determined that credit sufficient in amount to finance the production of the crops or livestock specified in the application is not available to him from sources other than the Regional Agricultural Credit Corporation or is available from other sources only on such terms and conditions that he could not use the other credit available to the extent necessary to produce the entire quantity of such crops or livestock specified in his application and (b) the person authorized to approve the loan or advance on behalf of the Regional Agricultural Credit Corporation finds that a greater quantity of the crops or livestock specified in the application would be likely to be produced if the loan or advance is made than would be produced otherwise, or (2) any loan or advance under the provisions of section 201 (e) of the Emergency Relief and Construction Act of 1932 (12 U. S. C. 1148), as amended (other than loans or advances under bulletins F-1 and F-2 made or approved on the conditions specified in this section) except (a) in regions in which loans or advances had been made under said section 201 (e) of the Emergency Relief and Construction Act of 1932 within one year prior to December 1, 1942, or (b) in any region which the Secretary of Agriculture shall have designated as a region in which the making of such loans or advances is necessary in order to finance the production of crops or livestock that otherwise would not be produced in such region: *Provided*, That none of the limitations provided for by this section shall apply with respect to any loan or advance made or approved at any time for the purpose of financing the completion of production undertaken before July 12, 1943, or for the purpose of protecting or preserving the security for or assisting in the collection or liquidation of any loan or advance made or approved before such date.

SEC. 3. Within the unit limit of cost fixed by law the lump-sum appropriations herein made for the Department shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department outside the District of Columbia, but the



number of such vehicles purchased or otherwise acquired for all the activities of the Department for which appropriations are made in this Act shall not exceed the total number indicated for purchase by the Department under the statements of proposed expenditures for purchase, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles in the Budget: *Provided*, That such vehicles shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motortrucks in the District of Columbia: *Provided further*, That appropriations contained in this Act shall be available for the maintenance, operation, and repair of motor-propelled and horse-drawn passenger-carrying vehicles: *Provided further*, That the funds available to the Agricultural Adjustment Agency may be used for the maintenance, repair, and operation of one passenger-carrying vehicle in the District of Columbia.

SEC. 4. Provisions of law prohibiting or restricting the employment of aliens shall not apply to (1) the temporary employment of translators when competent citizen translators are not available; (2) employment in cases of emergency of persons in the field service of the Department for periods of not more than sixty days; (3) employment on the emergency rubber project; (4) employment by the Rural Electrification Administration of not to exceed twenty junior engineer trainees who are citizens of other American republics; and (5) employment under the appropriation for the Office of Foreign Agricultural Relations.

SEC. 5. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That such administrative or supervisory employees of the Department as may be designated for the purpose by the Secretary are hereby authorized to administer the oaths to persons making affidavits required by this section, and they shall charge no fee for so doing: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That nothing in this section shall be construed to require an affidavit from any person employed for less than sixty days for sudden emergency work involving the loss of human life or destruction of property, and payment of salary or wages may be made to such persons from applicable



appropriations for services rendered in such emergency without execution of the affidavit contemplated by this section.

SEC. 6. This Act may be cited as the "Department of Agriculture Appropriation Act, 1946". (May 5, 1945, Pub. Law 52, 79th Congress, 1st Session.)







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